

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SECOND GENERAL ASSEMBLY

115TH LEGISLATIVE DAY

WEDNESDAY, DECEMBER 4, 2002

12:40 O'CLOCK P.M.

No. 115
[Dec. 4, 2002]

The Senate met pursuant to adjournment.
 Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.
 Prayer by Pastor Jeff Nelsen, Cherry Hills Baptist Church,
 Springfield, Illinois.
 Senator Radogno led the Senate in the Pledge of Allegiance.

Senator W. Jones moved that reading and approval of the Journal of Tuesday, December 3, 2002 be postponed pending arrival of the printed Journal.

The motion prevailed.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

A status report of pending projects for the construction, renovation or rehabilitation of a school building or related facility submitted by the Public Building Commission of Chicago pursuant to Senate Bill 265, which amended Section 19.1 of the Public Building Commission Act (50 ILCS 20/1 et. seq.).

The 2001 Annual Report and Financial Summaries submitted by the Illinois Comprehensive Health Insurance Plan.

The foregoing reports were ordered received and placed on file in the Secretary's Office.

LEGISLATIVE MEASURES FILED

The following floor amendments to the House Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 5 to House Bill 3717
 Senate Amendment No. 4 to House Bill 5657

At the hour of 12:46 o'clock p.m., Senator Noland presiding.

REPORTS FROM STANDING COMMITTEES

Senator Hawkinson, Chairperson of the Committee on Judiciary, to which was referred Senate Resolution No. 543 reported the same back with amendments having been adopted thereto, with the recommendation that the resolution, as amended, be adopted.

Under the rules, Senate Resolution 543 was placed on the Secretary's Desk.

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred the following Senate floor amendments, reported that the Committee recommends that they be approved for consideration:

Amendment No. 4 to House Bill 3717
 Amendment No. 3 to House Bill 5657

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

[Dec. 4, 2002]

Senator Hawkinson, Chairperson of the Committee on Judiciary, to which was referred the Motion to concur with House to the following Senate Bill, reported that the Committee recommends that it be approved for consideration:

Motion to concur House Amendment 2 to Senate Bill 1966

Under the rules, the foregoing motion is eligible for consideration by the Senate.

Senator Burzynski, Chairperson of the Committee on Licensed Activities, to which was referred the Motion to concur with House amendments to the following Senate Bill, reported that the Committee recommends that it be approved for consideration:

Motion to concur H.A.'s 1, 3 and 6 to Senate Bill 1701

Under the rules, the foregoing motion is eligible for consideration by the Senate.

COMMUNICATIONS

STATE OF ILLINOIS
SENATE

EMIL JONES, JR.
SENATE DEMOCRATIC LEADER

December 4, 2002

Mr. Jim Harry
Secretary of the Senate
403 State House
Springfield, IL 62706

Dear Mr. Secretary:

Please be advised that I have appointed Senator William Haine to replace former Senator Evelyn Bowles on the Licensed Activities Committee. I am also appointing Senator Ira Silverstein as Minority Spokesperson of the Licensed Activities Committee, replacing Senator Bowles as Minority Spokesperson. These appointments are effective immediately.

Sincerely,

s/Emil Jones, Jr.
Senate Democratic Leader

CC: Senate President James "Pate" Philip
Legislative Research Unit
Jackie Price, Index Division, Secretary of State

STATE OF ILLINOIS
SENATE

[Dec. 4, 2002]

EMIL JONES, JR.
SENATE DEMOCRATIC LEADER

December 3, 2002

Mr. Jim Harry
Secretary of the Senate
403 State House
Springfield, IL 62706

Dear Mr. Secretary:

Please be advised that I have appointed Senator Shaw to the Executive Committee. This appointment is effective immediately.

Sincerely,

s/Emil Jones, Jr.
Senate Democratic Leader

CC: Senate President James "Pate" Philip
Legislative Research Unit
Jackie Price, Index Division, Secretary of State

MESSAGE FROM THE GOVERNOR

A Message for the Governor by Michael P. Madigan
Director, Legislative Affairs

December 4, 2002

Mr. President,

The Governor directs me to lay before the Senate the Following Message:

STATE OF ILLINOIS
EXECUTIVE DEPARTMENT

To The Honorable
Members of the Senate
Ninety-Second General Assembly:

I previously asked for your Honorable body to concur in the appointments and confirm the persons commensurate with the offices indicated below.

Please remove the following individuals from the Senate Message dated November 21, 2002.

HUMAN RESOURCE INVESTMENT COUNCIL/WORKFORCE INVESTMENT BOARD

To be a member of the Human Resource Investment Council/Workforce Investment Board for a term ending July 1, 2003:

Paula Wolff of Chicago
Non-Salaried

[Dec. 4, 2002]

DEPARTMENT OF PROFESSIONAL REGULATION

To be the Director of the Department of
Professional Regulation for a term ending
January 20, 2003:

Aurelia Pucinski of Chicago
Salaried

GEORGE H. RYAN

INTRODUCTION OF A BILL

SENATE BILL NO. 2436. Introduced by Senator Watson, a bill for
AN ACT in relation to firearms.

The bill was taken up, read by title a first time, ordered
printed and referred to the Committee on Rules.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 554

Offered by Senator Clayborne and all Senators:

Mourns the death of former St. Clair County Circuit Judge Jerome
Francis Lopinot.

SENATE RESOLUTION NO. 555

Offered by Senator Shadid and all Senators:

Mourns the death of Zack O. Monroe of Peoria.

The foregoing resolutions were referred to the Resolutions
Consent Calendar.

Senator Jacobs offered the following Senate Resolution, which was
referred to the Committee on Rules:

SENATE RESOLUTION NO. 556

WHEREAS, The River Conservancy Districts Act establishes the
method for forming a River Conservancy District in the State of
Illinois; and

WHEREAS, The Act confers significant powers to Boards of Trustees
of River Conservancy Districts established in accordance with the
Act; and

WHEREAS, The Act specifies the powers and duties of any Board of
Trustees including, but not limited to, the sale and acquisition of
property, leases, the sale and redemption of bonds, borrowing, and
bidding procedures; and

WHEREAS, The State of Illinois has a responsibility to ensure
that the powers and duties of these Boards are exercised responsibly
and in compliance with the provisions of the River Conservancy
Districts Act; therefore be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF
THE STATE OF ILLINOIS, that the Auditor General shall conduct an
audit of any River Conservancy District established under the River
Conservancy Districts Act; and be it further

RESOLVED, That a performance audit conducted by the Auditor
General will provide important information regarding the operation of
a River Conservancy District and its compliance with the River
Conservancy Districts Act; and be it further

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RESOLVED, That the Auditor General shall report his findings and recommendations to the Illinois Senate no later than June 30, 2003; and be it further

RESOLVED, That a copy of this resolution be sent to the Auditor General.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 729

A bill for AN ACT concerning taxes.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 729

Passed the House, as amended, December 3, 2002.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 729

AMENDMENT NO. 1. Amend Senate Bill 729 by replacing the title with the following:

"AN ACT concerning college savings."; and

by replacing everything after the enacting clause with the following:

"Section 5. The State Treasurer Act is amended by changing Section 16.5 as follows:

(15 ILCS 505/16.5)

Sec. 16.5. College Savings Pool. The State Treasurer may establish and administer a College Savings Pool to supplement and enhance the investment opportunities otherwise available to persons seeking to finance the costs of higher education. The State Treasurer, in administering the College Savings Pool, may receive moneys paid into the pool by a participant and may serve as the fiscal agent of that participant for the purpose of holding and investing those moneys.

"Participant", as used in this Section, means any person who makes investments in the pool. "Designated beneficiary", as used in this Section, means any person on whose behalf an account is established in the College Savings Pool by a participant. Both in-state and out-of-state persons may be participants and designated beneficiaries in the College Savings Pool.

New accounts in the College Savings Pool shall be processed through participating financial institutions. "Participating financial institution", as used in this Section, means any financial institution insured by the Federal Deposit Insurance Corporation and lawfully doing business in the State of Illinois and any credit union approved by the State Treasurer and lawfully doing business in the State of Illinois that agrees to process new accounts in the College Savings Pool. Participating financial institutions may charge a processing fee to participants to open an account in the pool that shall not exceed \$30 until the year 2001. Beginning in 2001 and every year thereafter, the maximum fee limit shall be adjusted by the Treasurer based on the Consumer Price Index for the North Central

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Region as published by the United States Department of Labor, Bureau of Labor Statistics for the immediately preceding calendar year. Every contribution received by a financial institution for investment in the College Savings Pool shall be transferred from the financial institution to a location selected by the State Treasurer within one business day following the day that the funds must be made available in accordance with federal law. All communications from the State Treasurer to participants shall reference the participating financial institution at which the account was processed.

The Treasurer may invest the moneys in the College Savings Pool in the same manner, in the same types of investments, and subject to the same limitations provided for the investment of moneys by the Illinois State Board of Investment. To enhance the safety and liquidity of the College Savings Pool, to ensure the diversification of the investment portfolio of the pool, and in an effort to keep investment dollars in the State of Illinois, the State Treasurer shall make a percentage of each account available for investment in participating financial institutions doing business in the State. The State Treasurer shall deposit with the participating financial institution at which the account was processed the following percentage of each account at a prevailing rate offered by the institution, provided that the deposit is federally insured or fully collateralized and the institution accepts the deposit: 10% of the total amount of each account for which the current age of the beneficiary is less than 7 years of age, 20% of the total amount of each account for which the beneficiary is at least 7 years of age and less than 12 years of age, and 50% of the total amount of each account for which the current age of the beneficiary is at least 12 years of age. The State Treasurer shall adjust each account at least annually to ensure compliance with this Section. The Treasurer shall develop, publish, and implement an investment policy covering the investment of the moneys in the College Savings Pool. The policy shall be published (i) at least once each year in at least one newspaper of general circulation in both Springfield and Chicago and (ii) each year as part of the audit of the College Savings Pool by the Auditor General, which shall be distributed to all participants. The Treasurer shall notify all participants in writing, and the Treasurer shall publish in a newspaper of general circulation in both Chicago and Springfield, any changes to the previously published investment policy at least 30 calendar days before implementing the policy. Any investment policy adopted by the Treasurer shall be reviewed and updated if necessary within 90 days following the date that the State Treasurer takes office.

Participants shall be required to use moneys distributed from the College Savings Pool for qualified expenses at eligible educational institutions. "Qualified expenses", as used in this Section, means the following: (i) tuition, fees, and the costs of books, supplies, and equipment required for enrollment or attendance at an eligible educational institution and (ii) certain room and board expenses incurred while attending an eligible educational institution at least half-time. "Eligible educational institutions", as used in this Section, means public and private colleges, junior colleges, graduate schools, and certain vocational institutions that are described in Section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088) and that are eligible to participate in Department of Education student aid programs. A student shall be considered to be enrolled at least half-time if the student is enrolled for at least half the full-time academic work load for the course of study the student is pursuing as determined under the standards of the institution at which the student is enrolled. Distributions made from the pool for qualified

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expenses shall be made directly to the eligible educational institution, directly to a vendor, or in the form of a check payable to both the beneficiary and the institution or vendor. Any moneys that are distributed in any other manner or that are used for expenses other than qualified expenses at an eligible educational institution shall be subject to a penalty of 10% of the earnings unless the beneficiary dies, becomes disabled, or receives a scholarship that equals or exceeds the distribution. Penalties shall be withheld at the time the distribution is made.

The Treasurer shall limit the contributions that may be made on behalf of a designated beneficiary based on an actuarial estimate of what is required to pay tuition, fees, and room and board for 5 undergraduate years at the highest cost eligible educational institution. The contributions made on behalf of a beneficiary who is also a beneficiary under the Illinois Prepaid Tuition Program shall be further restricted to ensure that the contributions in both programs combined do not exceed the limit established for the College Savings Pool. The Treasurer shall provide the Illinois Student Assistance Commission each year at a time designated by the Commission, an electronic report of all participant accounts in the Treasurer's College Savings Pool, listing total contributions and disbursements from each individual account during the previous calendar year. As soon thereafter as is possible following receipt of the Treasurer's report, the Illinois Student Assistance Commission shall, in turn, provide the Treasurer with an electronic report listing those College Savings Pool participants who also participate in the State's prepaid tuition program, administered by the Commission. The Commission shall be responsible for filing any combined tax reports regarding State qualified savings programs required by the United States Internal Revenue Service. The Treasurer shall work with the Illinois Student Assistance Commission to coordinate the marketing of the College Savings Pool and the Illinois Prepaid Tuition Program when considered beneficial by the Treasurer and the Director of the Illinois Student Assistance Commission. The Treasurer's office shall not publicize or otherwise market the College Savings Pool or accept any moneys into the College Savings Pool prior to March 1, 2000. The Treasurer shall provide a separate accounting for each designated beneficiary to each participant, the Illinois Student Assistance Commission, and the participating financial institution at which the account was processed. No interest in the program may be pledged as security for a loan.

The assets of the College Savings Pool and its income and operation shall be exempt from all taxation by the State of Illinois and any of its subdivisions. The accrued earnings on investments in the Pool once disbursed on behalf of a designated beneficiary shall be similarly exempt from all taxation by the State of Illinois and its subdivisions, so long as they are used for qualified expenses. Contributions during the taxable year to a College Savings Pool account or other qualified tuition program under Section 529 of the Internal Revenue Code (26 U.S.C. 529) ~~during the taxable year~~ may be deducted from adjusted gross income as provided in Section 203 of the Illinois Income Tax Act. The provisions of this paragraph are exempt from Section 250 of the Illinois Income Tax Act.

The Treasurer shall adopt rules he or she considers necessary for the efficient administration of the College Savings Pool. The rules shall provide whatever additional parameters and restrictions are necessary to ensure that the College Savings Pool meets all of the requirements for a qualified state tuition program under Section 529 of the Internal Revenue Code (26 U.S.C. 529). The rules shall

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provide for the administration expenses of the pool to be paid from its earnings and for the investment earnings in excess of the expenses and all moneys collected as penalties to be credited or paid monthly to the several participants in the pool in a manner which equitably reflects the differing amounts of their respective investments in the pool and the differing periods of time for which those amounts were in the custody of the pool. Also, the rules shall require the maintenance of records that enable the Treasurer's office to produce a report for each account in the pool at least annually that documents the account balance and investment earnings. Notice of any proposed amendments to the rules and regulations shall be provided to all participants prior to adoption. Amendments to rules and regulations shall apply only to contributions made after the adoption of the amendment.

Upon creating the College Savings Pool, the State Treasurer shall give bond with 2 or more sufficient sureties, payable to and for the benefit of the participants in the College Savings Pool, in the penal sum of \$1,000,000, conditioned upon the faithful discharge of his or her duties in relation to the College Savings Pool.

No contributions to the College Savings Pool authorized by this Section shall be considered in evaluating the financial situation of the designated beneficiary or be deemed a financial resource of or a form of financial aid or assistance to the designated beneficiary, for purposes of determining eligibility for any scholarship, grant, or monetary assistance awarded by the Illinois Student Assistance Commission, the State, or any agency thereof; nor shall contributions to the College Savings Pool reduce the amount of any scholarship, grant, or monetary assistance that the designated beneficiary is eligible to be awarded by the Illinois Student Assistance Commission, the State, or any agency thereof in accordance with the provisions of any State law.

(Source: P.A. 91-607, eff. 1-1-00; 91-829, eff. 1-1-01; 92-16, eff. 6-28-01; 92-439, eff. 8-17-01; 92-626, eff. 7-11-02.)

Section 10. The Illinois Income Tax Act is amended by changing Section 203 as follows:

(35 ILCS 5/203) (from Ch. 120, par. 2-203)

Sec. 203. Base income defined.

(a) Individuals.

(1) In general. In the case of an individual, base income means an amount equal to the taxpayer's adjusted gross income for the taxable year as modified by paragraph (2).

(2) Modifications. The adjusted gross income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of adjusted gross income, except stock dividends of qualified public utilities described in Section 305(e) of the Internal Revenue Code;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of adjusted gross income for the taxable year;

(C) An amount equal to the amount received during the taxable year as a recovery or refund of real property taxes paid with respect to the taxpayer's principal residence under the Revenue Act of 1939 and for which a deduction was previously taken under subparagraph (L) of this paragraph (2) prior to July 1, 1991, the retrospective application date of Article 4 of Public Act 87-17. In the case of

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multi-unit or multi-use structures and farm dwellings, the taxes on the taxpayer's principal residence shall be that portion of the total taxes for the entire property which is attributable to such principal residence;

(D) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of adjusted gross income;

(D-5) An amount, to the extent not included in adjusted gross income, equal to the amount of money withdrawn by the taxpayer in the taxable year from a medical care savings account and the interest earned on the account in the taxable year of a withdrawal pursuant to subsection (b) of Section 20 of the Medical Care Savings Account Act or subsection (b) of Section 20 of the Medical Care Savings Account Act of 2000;

(D-10) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the individual deducted in computing adjusted gross income and for which the individual claims a credit under subsection (l) of Section 201;

(D-15) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code; and

(D-16) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-15), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (Z) with respect to that property;

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property; and

~~(D-20) (Blank) (D-15) For taxable years beginning on or after January 1, 2002, in the case of a distribution from a qualified tuition program under Section 529 of the Internal Revenue Code, other than (i) a distribution from a College Savings Pool created under Section 16.5 of the State Treasurer Act or (ii) a distribution from the Illinois Prepaid Tuition Trust Fund, an amount equal to the amount excluded from gross income under Section 529(c)(3)(B);~~

and by deducting from the total so obtained the sum of the following amounts:

(E) For taxable years ending before December 31, 2001, any amount included in such total in respect of any compensation (including but not limited to any compensation paid or accrued to a serviceman while a prisoner of war or missing in action) paid to a resident by reason of being on active duty in the Armed Forces of the United States and in respect of any compensation paid or accrued to a resident who as a governmental employee was a prisoner of war or missing in action, and in respect of any compensation paid to a resident in 1971 or thereafter for annual training performed pursuant to Sections 502 and 503, Title 32, United States Code as a member of the Illinois National Guard. For

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taxable years ending on or after December 31, 2001, any amount included in such total in respect of any compensation (including but not limited to any compensation paid or accrued to a serviceman while a prisoner of war or missing in action) paid to a resident by reason of being a member of any component of the Armed Forces of the United States and in respect of any compensation paid or accrued to a resident who as a governmental employee was a prisoner of war or missing in action, and in respect of any compensation paid to a resident in 2001 or thereafter by reason of being a member of the Illinois National Guard. The provisions of this amendatory Act of the 92nd General Assembly are exempt from the provisions of Section 250;

(F) An amount equal to all amounts included in such total pursuant to the provisions of Sections 402(a), 402(c), 403(a), 403(b), 406(a), 407(a), and 408 of the Internal Revenue Code, or included in such total as distributions under the provisions of any retirement or disability plan for employees of any governmental agency or unit, or retirement payments to retired partners, which payments are excluded in computing net earnings from self employment by Section 1402 of the Internal Revenue Code and regulations adopted pursuant thereto;

(G) The valuation limitation amount;

(H) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(I) An amount equal to all amounts included in such total pursuant to the provisions of Section 111 of the Internal Revenue Code as a recovery of items previously deducted from adjusted gross income in the computation of taxable income;

(J) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, and conducts substantially all of its operations in an Enterprise Zone or zones;

(K) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (J) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (K);

(L) For taxable years ending after December 31, 1983, an amount equal to all social security benefits and railroad retirement benefits included in such total pursuant to Sections 72(r) and 86 of the Internal Revenue Code;

(M) With the exception of any amounts subtracted under subparagraph (N), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(2) of the Internal Revenue Code of 1954, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code of 1954, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions

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of this subparagraph are exempt from the provisions of Section 250;

(N) An amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(O) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(P) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(Q) An amount equal to any amounts included in such total, received by the taxpayer as an acceleration in the payment of life, endowment or annuity benefits in advance of the time they would otherwise be payable as an indemnity for a terminal illness;

(R) An amount equal to the amount of any federal or State bonus paid to veterans of the Persian Gulf War;

(S) An amount, to the extent included in adjusted gross income, equal to the amount of a contribution made in the taxable year on behalf of the taxpayer to a medical care savings account established under the Medical Care Savings Account Act or the Medical Care Savings Account Act of 2000 to the extent the contribution is accepted by the account administrator as provided in that Act;

(T) An amount, to the extent included in adjusted gross income, equal to the amount of interest earned in the taxable year on a medical care savings account established under the Medical Care Savings Account Act or the Medical Care Savings Account Act of 2000 on behalf of the taxpayer, other than interest added pursuant to item (D-5) of this paragraph (2);

(U) For one taxable year beginning on or after January 1, 1994, an amount equal to the total amount of tax imposed and paid under subsections (a) and (b) of Section 201 of this Act on grant amounts received by the taxpayer under the Nursing Home Grant Assistance Act during the taxpayer's taxable years 1992 and 1993;

(V) Beginning with tax years ending on or after December 31, 1995 and ending with tax years ending on or before December 31, 2004, an amount equal to the amount paid by a taxpayer who is a self-employed taxpayer, a partner of a partnership, or a shareholder in a Subchapter S corporation for health insurance or long-term care insurance for that taxpayer or that taxpayer's spouse or dependents, to the extent that the amount paid for that health insurance or long-term care insurance may be deducted under Section 213 of the Internal Revenue Code of 1986, has not been deducted on the federal income tax return of the taxpayer, and does not exceed the taxable income attributable to that taxpayer's income, self-employment income, or Subchapter S corporation income; except that no deduction shall be allowed under this item (V) if the taxpayer is eligible to

participate in any health insurance or long-term care insurance plan of an employer of the taxpayer or the taxpayer's spouse. The amount of the health insurance and long-term care insurance subtracted under this item (V) shall be determined by multiplying total health insurance and long-term care insurance premiums paid by the taxpayer times a number that represents the fractional percentage of eligible medical expenses under Section 213 of the Internal Revenue Code of 1986 not actually deducted on the taxpayer's federal income tax return;

(W) For taxable years beginning on or after January 1, 1998, all amounts included in the taxpayer's federal gross income in the taxable year from amounts converted from a regular IRA to a Roth IRA. This paragraph is exempt from the provisions of Section 250;

(X) For taxable year 1999 and thereafter, an amount equal to the amount of any (i) distributions, to the extent includible in gross income for federal income tax purposes, made to the taxpayer because of his or her status as a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim and (ii) items of income, to the extent includible in gross income for federal income tax purposes, attributable to, derived from or in any way related to assets stolen from, hidden from, or otherwise lost to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime immediately prior to, during, and immediately after World War II, including, but not limited to, interest on the proceeds receivable as insurance under policies issued to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime by European insurance companies immediately prior to and during World War II; provided, however, this subtraction from federal adjusted gross income does not apply to assets acquired with such assets or with the proceeds from the sale of such assets; provided, further, this paragraph shall only apply to a taxpayer who was the first recipient of such assets after their recovery and who is a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim. The amount of and the eligibility for any public assistance, benefit, or similar entitlement is not affected by the inclusion of items (i) and (ii) of this paragraph in gross income for federal income tax purposes. This paragraph is exempt from the provisions of Section 250;

(Y) For taxable years beginning on or after January 1, 2002 and ending on or before December 31, 2002, moneys contributed in the taxable year to a College Savings Pool account under Section 16.5 of the State Treasurer Act, except that amounts excluded from gross income under Section 529(c)(3)(C)(i) of the Internal Revenue Code shall not be considered moneys contributed under this subparagraph (Y). For taxable years ending after December 31, 2002, moneys contributed to a College Savings Pool account under Section 16.5 of the State Treasurer Act, to the Illinois Prepaid Tuition Trust Fund under the Illinois Prepaid Tuition Act, or to any other qualified tuition program under Section 529 of the Internal Revenue Code, except that amounts rolled over into a program under Section 529(c)(3)(C)(i) of the Internal Revenue Code shall not be considered moneys

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contributed under this subparagraph (Y). This subparagraph (Y) is exempt from the provisions of Section 250;

(Z) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

(1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction; and

(2) "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429).

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code; and

(AA) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-15), then an amount equal to that addition modification.

The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property; and

~~(BB) {Z}~~ Any amount included in adjusted gross income, other than salary, received by a driver in a ridesharing arrangement using a motor vehicle.

(b) Corporations.

(1) In general. In the case of a corporation, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. The taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest and all distributions received from regulated investment companies during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of taxable income for the taxable year;

(C) In the case of a regulated investment company, an amount equal to the excess of (i) the net long-term capital gain for the taxable year, over (ii) the amount of the capital gain dividends designated as such in accordance with Section 852(b)(3)(C) of the Internal Revenue Code and any amount designated under Section 852(b)(3)(D) of the Internal Revenue Code, attributable to the taxable year (this

amendatory Act of 1995 (Public Act 89-89) is declarative of existing law and is not a new enactment);

(D) The amount of any net operating loss deduction taken in arriving at taxable income, other than a net operating loss carried forward from a taxable year ending prior to December 31, 1986;

(E) For taxable years in which a net operating loss carryback or carryforward from a taxable year ending prior to December 31, 1986 is an element of taxable income under paragraph (1) of subsection (e) or subparagraph (E) of paragraph (2) of subsection (e), the amount by which addition modifications other than those provided by this subparagraph (E) exceeded subtraction modifications in such earlier taxable year, with the following limitations applied in the order that they are listed:

(i) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall be reduced by the amount of addition modification under this subparagraph (E) which related to that net operating loss and which was taken into account in calculating the base income of an earlier taxable year, and

(ii) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall not exceed the amount of such carryback or carryforward;

For taxable years in which there is a net operating loss carryback or carryforward from more than one other taxable year ending prior to December 31, 1986, the addition modification provided in this subparagraph (E) shall be the sum of the amounts computed independently under the preceding provisions of this subparagraph (E) for each such taxable year;

(E-5) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the corporation deducted in computing adjusted gross income and for which the corporation claims a credit under subsection (l) of Section 201;

(E-10) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code; and

(E-11) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (E-10), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (T) with respect to that property;

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property; and by deducting from the total so obtained the sum of the following amounts:

(F) An amount equal to the amount of any tax imposed

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by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(G) An amount equal to any amount included in such total under Section 78 of the Internal Revenue Code;

(H) In the case of a regulated investment company, an amount equal to the amount of exempt interest dividends as defined in subsection (b) (5) of Section 852 of the Internal Revenue Code, paid to shareholders for the taxable year;

(I) With the exception of any amounts subtracted under subparagraph (J), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(a)(2) and amounts disallowed as interest expense by Section 291(a)(3) of the Internal Revenue Code, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(a)(1) of the Internal Revenue Code, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, 291(a)(3), and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(J) An amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(K) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act and conducts substantially all of its operations in an Enterprise Zone or zones;

(L) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (K) of paragraph 2 of this subsection shall not be eligible for the deduction provided under this subparagraph (L);

(M) For any taxpayer that is a financial organization within the meaning of Section 304(c) of this Act, an amount included in such total as interest income from a loan or loans made by such taxpayer to a borrower, to the extent that such a loan is secured by property which is eligible for the Enterprise Zone Investment Credit. To determine the portion of a loan or loans that is secured by property eligible for a Section 201(f) investment credit to the borrower, the entire principal amount of the loan or loans between the taxpayer and the borrower should be divided into the basis of the Section 201(f) investment credit property which secures the loan or loans, using for this purpose the original basis of such property on the date that it was placed in service in the Enterprise Zone. The subtraction modification available to taxpayer in any year under this subsection shall be that portion of the total interest paid by the borrower with respect to such loan attributable to

the eligible property as calculated under the previous sentence;

(M-1) For any taxpayer that is a financial organization within the meaning of Section 304(c) of this Act, an amount included in such total as interest income from a loan or loans made by such taxpayer to a borrower, to the extent that such a loan is secured by property which is eligible for the High Impact Business Investment Credit. To determine the portion of a loan or loans that is secured by property eligible for a Section 201(h) investment credit to the borrower, the entire principal amount of the loan or loans between the taxpayer and the borrower should be divided into the basis of the Section 201(h) investment credit property which secures the loan or loans, using for this purpose the original basis of such property on the date that it was placed in service in a federally designated Foreign Trade Zone or Sub-Zone located in Illinois. No taxpayer that is eligible for the deduction provided in subparagraph (M) of paragraph (2) of this subsection shall be eligible for the deduction provided under this subparagraph (M-1). The subtraction modification available to taxpayers in any year under this subsection shall be that portion of the total interest paid by the borrower with respect to such loan attributable to the eligible property as calculated under the previous sentence;

(N) Two times any contribution made during the taxable year to a designated zone organization to the extent that the contribution (i) qualifies as a charitable contribution under subsection (c) of Section 170 of the Internal Revenue Code and (ii) must, by its terms, be used for a project approved by the Department of Commerce and Community Affairs under Section 11 of the Illinois Enterprise Zone Act;

(O) An amount equal to: (i) 85% for taxable years ending on or before December 31, 1992, or, a percentage equal to the percentage allowable under Section 243(a)(1) of the Internal Revenue Code of 1986 for taxable years ending after December 31, 1992, of the amount by which dividends included in taxable income and received from a corporation that is not created or organized under the laws of the United States or any state or political subdivision thereof, including, for taxable years ending on or after December 31, 1988, dividends received or deemed received or paid or deemed paid under Sections 951 through 964 of the Internal Revenue Code, exceed the amount of the modification provided under subparagraph (G) of paragraph (2) of this subsection (b) which is related to such dividends; plus (ii) 100% of the amount by which dividends, included in taxable income and received, including, for taxable years ending on or after December 31, 1988, dividends received or deemed received or paid or deemed paid under Sections 951 through 964 of the Internal Revenue Code, from any such corporation specified in clause (i) that would but for the provisions of Section 1504 (b) (3) of the Internal Revenue Code be treated as a member of the affiliated group which includes the dividend recipient, exceed the amount of the modification provided under subparagraph (G) of paragraph (2) of this subsection (b) which is related to such dividends;

(P) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

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(Q) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(R) In the case of an attorney-in-fact with respect to whom an interinsurer or a reciprocal insurer has made the election under Section 835 of the Internal Revenue Code, 26 U.S.C. 835, an amount equal to the excess, if any, of the amounts paid or incurred by that interinsurer or reciprocal insurer in the taxable year to the attorney-in-fact over the deduction allowed to that interinsurer or reciprocal insurer with respect to the attorney-in-fact under Section 835(b) of the Internal Revenue Code for the taxable year;

(S) For taxable years ending on or after December 31, 1997, in the case of a Subchapter S corporation, an amount equal to all amounts of income allocable to a shareholder subject to the Personal Property Tax Replacement Income Tax imposed by subsections (c) and (d) of Section 201 of this Act, including amounts allocable to organizations exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code. This subparagraph (S) is exempt from the provisions of Section 250;

(T) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

(1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction; and

(2) "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429).

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code; and

(U) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (E-10), then an amount equal to that addition modification.

The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property.

(3) Special rule. For purposes of paragraph (2) (A), "gross income" in the case of a life insurance company, for tax years ending on and after December 31, 1994, shall mean the gross investment income for the taxable year.

(c) Trusts and estates.

(1) In general. In the case of a trust or estate, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. Subject to the provisions of paragraph (3), the taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) In the case of (i) an estate, \$600; (ii) a trust which, under its governing instrument, is required to distribute all of its income currently, \$300; and (iii) any other trust, \$100, but in each such case, only to the extent such amount was deducted in the computation of taxable income;

(C) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of taxable income for the taxable year;

(D) The amount of any net operating loss deduction taken in arriving at taxable income, other than a net operating loss carried forward from a taxable year ending prior to December 31, 1986;

(E) For taxable years in which a net operating loss carryback or carryforward from a taxable year ending prior to December 31, 1986 is an element of taxable income under paragraph (1) of subsection (e) or subparagraph (E) of paragraph (2) of subsection (e), the amount by which addition modifications other than those provided by this subparagraph (E) exceeded subtraction modifications in such taxable year, with the following limitations applied in the order that they are listed:

(i) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall be reduced by the amount of addition modification under this subparagraph (E) which related to that net operating loss and which was taken into account in calculating the base income of an earlier taxable year, and

(ii) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall not exceed the amount of such carryback or carryforward;

For taxable years in which there is a net operating loss carryback or carryforward from more than one other taxable year ending prior to December 31, 1986, the addition modification provided in this subparagraph (E) shall be the sum of the amounts computed independently under the preceding provisions of this subparagraph (E) for each such taxable year;

(F) For taxable years ending on or after January 1, 1989, an amount equal to the tax deducted pursuant to Section 164 of the Internal Revenue Code if the trust or estate is claiming the same tax for purposes of the Illinois foreign tax credit under Section 601 of this Act;

(G) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the

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extent deducted from gross income in the computation of taxable income;

(G-5) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the trust or estate deducted in computing adjusted gross income and for which the trust or estate claims a credit under subsection (l) of Section 201;

(G-10) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code; and

(G-11) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (G-10), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (R) with respect to that property.;

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property;

and by deducting from the total so obtained the sum of the following amounts:

(H) An amount equal to all amounts included in such total pursuant to the provisions of Sections 402(a), 402(c), 403(a), 403(b), 406(a), 407(a) and 408 of the Internal Revenue Code or included in such total as distributions under the provisions of any retirement or disability plan for employees of any governmental agency or unit, or retirement payments to retired partners, which payments are excluded in computing net earnings from self employment by Section 1402 of the Internal Revenue Code and regulations adopted pursuant thereto;

(I) The valuation limitation amount;

(J) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(K) An amount equal to all amounts included in taxable income as modified by subparagraphs (A), (B), (C), (D), (E), (F) and (G) which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(L) With the exception of any amounts subtracted under subparagraph (K), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2) and 265(a)(2) of the Internal Revenue Code, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code of 1954, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this

subparagraph are exempt from the provisions of Section 250;

(M) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act and conducts substantially all of its operations in an Enterprise Zone or Zones;

(N) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(O) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (M) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (O);

(P) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(Q) For taxable year 1999 and thereafter, an amount equal to the amount of any (i) distributions, to the extent includible in gross income for federal income tax purposes, made to the taxpayer because of his or her status as a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim and (ii) items of income, to the extent includible in gross income for federal income tax purposes, attributable to, derived from or in any way related to assets stolen from, hidden from, or otherwise lost to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime immediately prior to, during, and immediately after World War II, including, but not limited to, interest on the proceeds receivable as insurance under policies issued to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime by European insurance companies immediately prior to and during World War II; provided, however, this subtraction from federal adjusted gross income does not apply to assets acquired with such assets or with the proceeds from the sale of such assets; provided, further, this paragraph shall only apply to a taxpayer who was the first recipient of such assets after their recovery and who is a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim. The amount of and the eligibility for any public assistance, benefit, or similar entitlement is not affected by the inclusion of items (i) and (ii) of this paragraph in gross income for federal income tax purposes. This paragraph is exempt from the provisions of Section 250;

(R) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

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(1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction; and

(2) "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429).

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code; and

(S) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (G-10), then an amount equal to that addition modification.

The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property.

(3) Limitation. The amount of any modification otherwise required under this subsection shall, under regulations prescribed by the Department, be adjusted by any amounts included therein which were properly paid, credited, or required to be distributed, or permanently set aside for charitable purposes pursuant to Internal Revenue Code Section 642(c) during the taxable year.

(d) Partnerships.

(1) In general. In the case of a partnership, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. The taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income for the taxable year;

(C) The amount of deductions allowed to the partnership pursuant to Section 707 (c) of the Internal Revenue Code in calculating its taxable income;

(D) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of taxable income;

(D-5) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code; and

(D-6) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-5), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (O) with respect to that property;

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property;
and by deducting from the total so obtained the following amounts:

(E) The valuation limitation amount;

(F) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(G) An amount equal to all amounts included in taxable income as modified by subparagraphs (A), (B), (C) and (D) which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(H) Any income of the partnership which constitutes personal service income as defined in Section 1348 (b) (1) of the Internal Revenue Code (as in effect December 31, 1981) or a reasonable allowance for compensation paid or accrued for services rendered by partners to the partnership, whichever is greater;

(I) An amount equal to all amounts of income distributable to an entity subject to the Personal Property Tax Replacement Income Tax imposed by subsections (c) and (d) of Section 201 of this Act including amounts distributable to organizations exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code;

(J) With the exception of any amounts subtracted under subparagraph (G), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(2) of the Internal Revenue Code of 1954, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(K) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, enacted by the 82nd General Assembly, and conducts substantially all of its operations in an Enterprise Zone or Zones;

(L) An amount equal to any contribution made to a job training project established pursuant to the Real Property Tax Increment Allocation Redevelopment Act;

(M) An amount equal to those dividends included in

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such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (K) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (M);

(N) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(O) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

(1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction; and

(2) "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429).

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code; and

(P) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-5), then an amount equal to that addition modification.

The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property.

(e) Gross income; adjusted gross income; taxable income.

(1) In general. Subject to the provisions of paragraph (2) and subsection (b) (3), for purposes of this Section and Section 803(e), a taxpayer's gross income, adjusted gross income, or taxable income for the taxable year shall mean the amount of gross income, adjusted gross income or taxable income properly reportable for federal income tax purposes for the taxable year under the provisions of the Internal Revenue Code. Taxable income may be less than zero. However, for taxable years ending on or after December 31, 1986, net operating loss carryforwards from taxable years ending prior to December 31, 1986, may not exceed the sum of federal taxable income for the taxable year before net operating loss deduction, plus the excess of addition modifications over subtraction modifications for the taxable year. For taxable years ending prior to December 31, 1986,

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taxable income may never be an amount in excess of the net operating loss for the taxable year as defined in subsections (c) and (d) of Section 172 of the Internal Revenue Code, provided that when taxable income of a corporation (other than a Subchapter S corporation), trust, or estate is less than zero and addition modifications, other than those provided by subparagraph (E) of paragraph (2) of subsection (b) for corporations or subparagraph (E) of paragraph (2) of subsection (c) for trusts and estates, exceed subtraction modifications, an addition modification must be made under those subparagraphs for any other taxable year to which the taxable income less than zero (net operating loss) is applied under Section 172 of the Internal Revenue Code or under subparagraph (E) of paragraph (2) of this subsection (e) applied in conjunction with Section 172 of the Internal Revenue Code.

(2) Special rule. For purposes of paragraph (1) of this subsection, the taxable income properly reportable for federal income tax purposes shall mean:

(A) Certain life insurance companies. In the case of a life insurance company subject to the tax imposed by Section 801 of the Internal Revenue Code, life insurance company taxable income, plus the amount of distribution from pre-1984 policyholder surplus accounts as calculated under Section 815a of the Internal Revenue Code;

(B) Certain other insurance companies. In the case of mutual insurance companies subject to the tax imposed by Section 831 of the Internal Revenue Code, insurance company taxable income;

(C) Regulated investment companies. In the case of a regulated investment company subject to the tax imposed by Section 852 of the Internal Revenue Code, investment company taxable income;

(D) Real estate investment trusts. In the case of a real estate investment trust subject to the tax imposed by Section 857 of the Internal Revenue Code, real estate investment trust taxable income;

(E) Consolidated corporations. In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated income tax return for the taxable year for federal income tax purposes, taxable income determined as if such corporation had filed a separate return for federal income tax purposes for the taxable year and each preceding taxable year for which it was a member of an affiliated group. For purposes of this subparagraph, the taxpayer's separate taxable income shall be determined as if the election provided by Section 243(b) (2) of the Internal Revenue Code had been in effect for all such years;

(F) Cooperatives. In the case of a cooperative corporation or association, the taxable income of such organization determined in accordance with the provisions of Section 1381 through 1388 of the Internal Revenue Code;

(G) Subchapter S corporations. In the case of: (i) a Subchapter S corporation for which there is in effect an election for the taxable year under Section 1362 of the Internal Revenue Code, the taxable income of such corporation determined in accordance with Section 1363(b) of the Internal Revenue Code, except that taxable income shall take into account those items which are required by Section 1363(b)(1) of the Internal Revenue Code to be separately stated; and (ii) a Subchapter S corporation for which there

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is in effect a federal election to opt out of the provisions of the Subchapter S Revision Act of 1982 and have applied instead the prior federal Subchapter S rules as in effect on July 1, 1982, the taxable income of such corporation determined in accordance with the federal Subchapter S rules as in effect on July 1, 1982; and

(H) Partnerships. In the case of a partnership, taxable income determined in accordance with Section 703 of the Internal Revenue Code, except that taxable income shall take into account those items which are required by Section 703(a)(1) to be separately stated but which would be taken into account by an individual in calculating his taxable income.

(f) Valuation limitation amount.

(1) In general. The valuation limitation amount referred to in subsections (a) (2) (G), (c) (2) (I) and (d)(2) (E) is an amount equal to:

(A) The sum of the pre-August 1, 1969 appreciation amounts (to the extent consisting of gain reportable under the provisions of Section 1245 or 1250 of the Internal Revenue Code) for all property in respect of which such gain was reported for the taxable year; plus

(B) The lesser of (i) the sum of the pre-August 1, 1969 appreciation amounts (to the extent consisting of capital gain) for all property in respect of which such gain was reported for federal income tax purposes for the taxable year, or (ii) the net capital gain for the taxable year, reduced in either case by any amount of such gain included in the amount determined under subsection (a) (2) (F) or (c) (2) (H).

(2) Pre-August 1, 1969 appreciation amount.

(A) If the fair market value of property referred to in paragraph (1) was readily ascertainable on August 1, 1969, the pre-August 1, 1969 appreciation amount for such property is the lesser of (i) the excess of such fair market value over the taxpayer's basis (for determining gain) for such property on that date (determined under the Internal Revenue Code as in effect on that date), or (ii) the total gain realized and reportable for federal income tax purposes in respect of the sale, exchange or other disposition of such property.

(B) If the fair market value of property referred to in paragraph (1) was not readily ascertainable on August 1, 1969, the pre-August 1, 1969 appreciation amount for such property is that amount which bears the same ratio to the total gain reported in respect of the property for federal income tax purposes for the taxable year, as the number of full calendar months in that part of the taxpayer's holding period for the property ending July 31, 1969 bears to the number of full calendar months in the taxpayer's entire holding period for the property.

(C) The Department shall prescribe such regulations as may be necessary to carry out the purposes of this paragraph.

(g) Double deductions. Unless specifically provided otherwise, nothing in this Section shall permit the same item to be deducted more than once.

(h) Legislative intention. Except as expressly provided by this Section there shall be no modifications or limitations on the amounts of income, gain, loss or deduction taken into account in determining

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gross income, adjusted gross income or taxable income for federal income tax purposes for the taxable year, or in the amount of such items entering into the computation of base income and net income under this Act for such taxable year, whether in respect of property values as of August 1, 1969 or otherwise.

(Source: P.A. 91-192, eff. 7-20-99; 91-205, eff. 7-20-99; 91-357, eff. 7-29-99; 91-541, eff. 8-13-99; 91-676, eff. 12-23-99; 91-845, eff. 6-22-00; 91-913, eff. 1-1-01; 92-16, eff. 6-28-01; 92-244, eff. 8-3-01; 92-439, eff. 8-17-01; 92-603, eff. 6-28-02; 92-626, eff. 7-11-02; 92-651, eff. 7-11-02; 92-846, eff. 8-23-02; revised 11-15-02.)

Section 99. Effective date. This Act takes effect upon becoming law."

Under the rules, the foregoing Senate Bill No. 729, with House Amendment No. 1, was referred to the Secretary's Desk.

Senator Karpriel asked and obtained unanimous consent to recess for the purpose of a Republican caucus.

Senator Halvorson asked and obtained unanimous consent to recess for the purpose of a Democrat caucus.

At the hour of 1:00 o'clock p.m., the Chair announced that the Senate stand at recess until 1:30 o'clock p.m.

AFTER RECESS

At the hour of 2:05 o'clock p.m., the Senate resumed consideration of business.

Senator Noland, presiding.

MOTION IN WRITING

Senator Roskam submitted the following Motion in Writing:

I moved that House Bill No. 2058 do pass, the specific recommendations of the Governor to the contrary notwithstanding.

Date: December 4, 2002

Peter J. Roskam
Senator

The foregoing Motion in Writing was filed with the Secretary and placed on the Senate Calendar.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 557

Offered by Senator Lauzen and all Senators:
Mourns the death of Judy Behrens Dunham of Aurora.

SENATE RESOLUTION NO. 558

Offered by Senator Lauzen and all Senators:
Mourns the death of Tyler B. Caruso of St. Charles.

SENATE RESOLUTION NO. 559

Offered by Senator Lauzen and all Senators:
Mourns the death of Edith Marie Tonyan of Aurora.

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SENATE RESOLUTION NO. 560

Offered by Senator Lauzen and all Senators:
Mourns the death of Sister M. Gretchen Bergschneider of Springfield.

SENATE RESOLUTION NO. 561

Offered by Senator Lauzen and all Senators:
Mourns the death of Robert A. Peters, Sr. of Aurora.

SENATE RESOLUTION NO. 562

Offered by Senator Lauzen and all Senators:
Mourns the death of Leon F. Bonifas of Aurora.

SENATE RESOLUTION NO. 563

Offered by Senator Lauzen and all Senators:
Mourns the death of Violet M. Moisa of Aurora.

SENATE RESOLUTION NO. 564

Offered by Senator Lauzen and all Senators:
Mourns the death of Marie Wallace deMartelly of Girard.

The foregoing resolutions were referred to the Resolutions Consent Calendar.

At the hour of 2:16 o'clock p.m., Senator Karpiel presiding.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Rauschenberger, House Bill No. 1273 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

The following voted in the affirmative:

Bomke
Brady
Burzynski
Clayborne
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Geo-Karis
Haine
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford

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Link
 Madigan
 Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 O'Shea
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Rupley
 Shadid
 Shaw
 Sieben
 Silverstein
 Stone
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

On motion of Senator O'Shea, House Bill No. 2463 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 55; Nays None.

The following voted in the affirmative:

Bomke
 Brady
 Burzynski
 Clayborne
 Cronin
 Cullerton
 DeLeo
 del Valle
 Demuzio

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Dillard
 Donahue
 Geo-Karis
 Haine
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, E.
 Jones, W.
 Karpier
 Klemm
 Lauzen
 Lightford
 Link
 Madigan
 Mahar
 Munoz
 Myers
 Noland
 O'Daniel
 O'Malley
 O'Shea
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Rupley
 Shadid
 Shaw
 Sieben
 Silverstein
 Stone
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh
 Watson
 Weaver
 Welch
 Wooldard
 Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

REPORT FROM RULES COMMITTEE

Senator Weaver Chairperson of the Committee on Rules, to which was referred House Bill No. 333, on July 1, 2001, pursuant to Rule 3-9(b), reported that the Committee recommends that the bill be

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approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And House Bill No. 333, was returned to the order of second reading.

Senator Weaver Chairperson of the Committee on Rules, to which was referred House Bill No. 1531, on July 1, 2001, pursuant to Rule 3-9(b), reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And House Bill No. 1531, was returned to the order of third reading.

LEGISLATIVE MEASURES FILED

The following floor amendments to the House Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 2 to House Bill 333
Senate Amendment No. 1 to House Bill 1531
Senate Amendment No. 1 to House Bill 3712

REPORT FROM RULES COMMITTEE

Senator Weaver, Chairperson of the Committee on Rules, reported that the following Legislative Measures have been approved for consideration:

Senate Amendment No. 2 to House Bill 333
Senate Amendment No. 1 to House Bill 1531
Senate Amendment No. 1 to House Bill 3712
Senate Amendment No. 5 to House Bill 3717
Senate Amendment No. 4 to House Bill 5657

The foregoing floor amendments were placed on the Secretary's Desk.

Senator Weaver, Chairperson of the Committee on Rules, reported that the following Joint Action Motion has been approved for consideration:

Motion to recede from Senate Amendment 1 to House Bill 4157

The foregoing motion was placed on the Secretary's Desk.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Rauschenberger, House Bill No. 2643 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays None.

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The following voted in the affirmative:

Bomke
Brady
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Geo-Karis
Haine
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Madigan
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
O'Shea
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Rupley
Shadid
Shaw
Sieben
Silverstein
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh
Watson
Weaver
Welch
Woolard
Mr. President

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This bill, having received the vote of three-fifths of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Dillard, House Bill No. 2721 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays None.

The following voted in the affirmative:

Bomke
 Brady
 Burzynski
 Clayborne
 Cronin
 Cullerton
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Geo-Karis
 Haine
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, E.
 Jones, W.
 Karpel
 Klemm
 Lauzen
 Lightford
 Link
 Madigan
 Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 O'Shea
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Rupley
 Shadid
 Shaw
 Sieben

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Silverstein
 Stone
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

This bill, having received the vote of three-fifths of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator O'Malley, House Bill No. 2742 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 55; Nays None.

The following voted in the affirmative:

Bomke
 Brady
 Burzynski
 Clayborne
 Cullerton
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Geo-Karis
 Haine
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, E.
 Jones, W.
 Karpel
 Klemm
 Lauzen
 Lightford
 Link
 Madigan
 Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel

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O'Malley
 O'Shea
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Rupley
 Shadid
 Shaw
 Sieben
 Silverstein
 Stone
 Sullivan
 Trotter
 Viverito
 Walsh
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

This bill, having received the vote of three-fifths of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

At the hour of 2:48 o'clock p.m., Senator Donahue presiding.

On motion of Senator Sullivan, House Bill No. 3557 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays None.

The following voted in the affirmative:

Bomke
 Brady
 Burzynski
 Clayborne
 Cronin
 Cullerton
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Geo-Karis
 Haine
 Halvorson
 Hawkinson
 Hendon
 Jacobs

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Jones, E.
 Jones, W.
 Karpiel
 Klemm
 Lauzen
 Lightford
 Link
 Madigan
 Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 O'Shea
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Rupley
 Shadid
 Shaw
 Sieben
 Silverstein
 Stone
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

HOUSE BILLS RECALLED

On motion of Senator Klemm, House Bill No. 3712 was recalled from the order of third reading to the order of second reading.

Senators Klemm - Philip offered the following amendment:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3712 by replacing line 1 with the following:

"AN ACT concerning transportation."; and
 on page 1, by replacing lines 8 and 9 with the following:

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"Section 10. The Motor Fuel Tax Law is amended by changing Section 8 as follows:

(35 ILCS 505/8) (from Ch. 120, par. 424)

Sec. 8. Except as provided in Section 8a, subdivision (h)(1) of Section 12a, Section 13a.6, and items 13, 14, 15, and 16 of Section 15, all money received by the Department under this Act, including payments made to the Department by member jurisdictions participating in the International Fuel Tax Agreement, shall be deposited in a special fund in the State treasury, to be known as the "Motor Fuel Tax Fund", and shall be used as follows:

(a) 2 1/2 cents per gallon of the tax collected on special fuel under paragraph (b) of Section 2 and Section 13a of this Act shall be transferred to the State Construction Account Fund in the State Treasury;

(b) \$420,000 shall be transferred each month to the State Boating Act Fund to be used by the Department of Natural Resources for the purposes specified in Article X of the Boat Registration and Safety Act;

(c) \$2,250,000 shall be transferred each month to the Grade Crossing Protection Fund to be used as follows: not less than \$6,000,000 each fiscal year shall be used for the construction or reconstruction of rail highway grade separation structures; beginning with fiscal year 1997 and ending in fiscal year 2000, \$1,500,000, and beginning with fiscal year 2001 and ~~ending in fiscal year 2003, \$2,250,000, and \$750,000 in fiscal year 2004--and~~ each fiscal year thereafter, \$2,250,000, shall be transferred to the Transportation Regulatory Fund and shall be accounted for as part of the rail carrier portion of such funds and shall be used to pay the cost of administration of the Illinois Commerce Commission's railroad safety program in connection with its duties under subsection (3) of Section 18c-7401 of the Illinois Vehicle Code, with the remainder to be used by the Department of Transportation upon order of the Illinois Commerce Commission, to pay that part of the cost apportioned by such Commission to the State to cover the interest of the public in the use of highways, roads, streets, or pedestrian walkways in the county highway system, township and district road system, or municipal street system as defined in the Illinois Highway Code, as the same may from time to time be amended, for separation of grades, for installation, construction or reconstruction of crossing protection or reconstruction, alteration, relocation including construction or improvement of any existing highway necessary for access to property or improvement of any grade crossing including the necessary highway approaches thereto of any railroad across the highway or public road, or for the installation, construction, reconstruction, or maintenance of a pedestrian walkway over or under a railroad right-of-way, as provided for in and in accordance with Section 18c-7401 of the Illinois Vehicle Code. The Commission shall not order more than \$2,000,000 per year in Grade Crossing Protection Fund moneys for pedestrian walkways. In entering orders for projects for which payments from the Grade Crossing Protection Fund will be made, the Commission shall account for expenditures authorized by the orders on a cash rather than an accrual basis. For purposes of this requirement an "accrual basis" assumes that the total cost of the project is expended in the fiscal year in which the order is entered, while a "cash basis" allocates the cost of the project among fiscal years as expenditures are actually made. To meet the requirements of this subsection, the Illinois Commerce Commission shall develop annual and 5-year project plans of rail crossing capital improvements that will be paid for with moneys from the Grade Crossing Protection Fund. The annual project plan shall identify projects for the

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succeeding fiscal year and the 5-year project plan shall identify projects for the 5 directly succeeding fiscal years. The Commission shall submit the annual and 5-year project plans for this Fund to the Governor, the President of the Senate, the Senate Minority Leader, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives on the first Wednesday in April of each year;

(d) of the amount remaining after allocations provided for in subsections (a), (b) and (c), a sufficient amount shall be reserved to pay all of the following:

(1) the costs of the Department of Revenue in administering this Act;

(2) the costs of the Department of Transportation in performing its duties imposed by the Illinois Highway Code for supervising the use of motor fuel tax funds apportioned to municipalities, counties and road districts;

(3) refunds provided for in Section 13 of this Act and under the terms of the International Fuel Tax Agreement referenced in Section 14a;

(4) from October 1, 1985 until June 30, 1994, the administration of the Vehicle Emissions Inspection Law, which amount shall be certified monthly by the Environmental Protection Agency to the State Comptroller and shall promptly be transferred by the State Comptroller and Treasurer from the Motor Fuel Tax Fund to the Vehicle Inspection Fund, and for the period July 1, 1994 through June 30, 2000, one-twelfth of \$25,000,000 each month, and for the period July 1, 2000 through June 30, 2006, one-twelfth of \$30,000,000 each month, for the administration of the Vehicle Emissions Inspection Law of 1995, to be transferred by the State Comptroller and Treasurer from the Motor Fuel Tax Fund into the Vehicle Inspection Fund;

(5) amounts ordered paid by the Court of Claims; and

(6) payment of motor fuel use taxes due to member jurisdictions under the terms of the International Fuel Tax Agreement. The Department shall certify these amounts to the Comptroller by the 15th day of each month; the Comptroller shall cause orders to be drawn for such amounts, and the Treasurer shall administer those amounts on or before the last day of each month;

(e) after allocations for the purposes set forth in subsections (a), (b), (c) and (d), the remaining amount shall be apportioned as follows:

(1) Until January 1, 2000, 58.4%, and beginning January 1, 2000, 45.6% shall be deposited as follows:

(A) 37% into the State Construction Account Fund, and

(B) 63% into the Road Fund, \$1,250,000 of which shall be reserved each month for the Department of Transportation to be used in accordance with the provisions of Sections 6-901 through 6-906 of the Illinois Highway Code;

(2) Until January 1, 2000, 41.6%, and beginning January 1, 2000, 54.4% shall be transferred to the Department of Transportation to be distributed as follows:

(A) 49.10% to the municipalities of the State,

(B) 16.74% to the counties of the State having 1,000,000 or more inhabitants,

(C) 18.27% to the counties of the State having less than 1,000,000 inhabitants,

(D) 15.89% to the road districts of the State.

As soon as may be after the first day of each month the Department of Transportation shall allot to each municipality its

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share of the amount apportioned to the several municipalities which shall be in proportion to the population of such municipalities as determined by the last preceding municipal census if conducted by the Federal Government or Federal census. If territory is annexed to any municipality subsequent to the time of the last preceding census the corporate authorities of such municipality may cause a census to be taken of such annexed territory and the population so ascertained for such territory shall be added to the population of the municipality as determined by the last preceding census for the purpose of determining the allotment for that municipality. If the population of any municipality was not determined by the last Federal census preceding any apportionment, the apportionment to such municipality shall be in accordance with any census taken by such municipality. Any municipal census used in accordance with this Section shall be certified to the Department of Transportation by the clerk of such municipality, and the accuracy thereof shall be subject to approval of the Department which may make such corrections as it ascertains to be necessary.

As soon as may be after the first day of each month the Department of Transportation shall allot to each county its share of the amount apportioned to the several counties of the State as herein provided. Each allotment to the several counties having less than 1,000,000 inhabitants shall be in proportion to the amount of motor vehicle license fees received from the residents of such counties, respectively, during the preceding calendar year. The Secretary of State shall, on or before April 15 of each year, transmit to the Department of Transportation a full and complete report showing the amount of motor vehicle license fees received from the residents of each county, respectively, during the preceding calendar year. The Department of Transportation shall, each month, use for allotment purposes the last such report received from the Secretary of State.

As soon as may be after the first day of each month, the Department of Transportation shall allot to the several counties their share of the amount apportioned for the use of road districts. The allotment shall be apportioned among the several counties in the State in the proportion which the total mileage of township or district roads in the respective counties bears to the total mileage of all township and district roads in the State. Funds allotted to the respective counties for the use of road districts therein shall be allocated to the several road districts in the county in the proportion which the total mileage of such township or district roads in the respective road districts bears to the total mileage of all such township or district roads in the county. After July 1 of any year, no allocation shall be made for any road district unless it levied a tax for road and bridge purposes in an amount which will require the extension of such tax against the taxable property in any such road district at a rate of not less than either .08% of the value thereof, based upon the assessment for the year immediately prior to the year in which such tax was levied and as equalized by the Department of Revenue or, in DuPage County, an amount equal to or greater than \$12,000 per mile of road under the jurisdiction of the road district, whichever is less. If any road district has levied a special tax for road purposes pursuant to Sections 6-601, 6-602 and 6-603 of the Illinois Highway Code, and such tax was levied in an amount which would require extension at a rate of not less than .08% of the value of the taxable property thereof, as equalized or assessed by the Department of Revenue, or, in DuPage County, an amount equal to or greater than \$12,000 per mile of road under the jurisdiction of the road district, whichever is less, such levy shall, however, be deemed a proper compliance with this Section and

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shall qualify such road district for an allotment under this Section. If a township has transferred to the road and bridge fund money which, when added to the amount of any tax levy of the road district would be the equivalent of a tax levy requiring extension at a rate of at least .08%, or, in DuPage County, an amount equal to or greater than \$12,000 per mile of road under the jurisdiction of the road district, whichever is less, such transfer, together with any such tax levy, shall be deemed a proper compliance with this Section and shall qualify the road district for an allotment under this Section.

In counties in which a property tax extension limitation is imposed under the Property Tax Extension Limitation Law, road districts may retain their entitlement to a motor fuel tax allotment if, at the time the property tax extension limitation was imposed, the road district was levying a road and bridge tax at a rate sufficient to entitle it to a motor fuel tax allotment and continues to levy the maximum allowable amount after the imposition of the property tax extension limitation. Any road district may in all circumstances retain its entitlement to a motor fuel tax allotment if it levied a road and bridge tax in an amount that will require the extension of the tax against the taxable property in the road district at a rate of not less than 0.08% of the assessed value of the property, based upon the assessment for the year immediately preceding the year in which the tax was levied and as equalized by the Department of Revenue or, in DuPage County, an amount equal to or greater than \$12,000 per mile of road under the jurisdiction of the road district, whichever is less.

As used in this Section the term "road district" means any road district, including a county unit road district, provided for by the Illinois Highway Code; and the term "township or district road" means any road in the township and district road system as defined in the Illinois Highway Code. For the purposes of this Section, "road district" also includes park districts, forest preserve districts and conservation districts organized under Illinois law and "township or district road" also includes such roads as are maintained by park districts, forest preserve districts and conservation districts. The Department of Transportation shall determine the mileage of all township and district roads for the purposes of making allotments and allocations of motor fuel tax funds for use in road districts.

Payment of motor fuel tax moneys to municipalities and counties shall be made as soon as possible after the allotment is made. The treasurer of the municipality or county may invest these funds until their use is required and the interest earned by these investments shall be limited to the same uses as the principal funds.

(Source: P.A. 91-37, eff. 7-1-99; 91-59, eff. 6-30-99; 91-173, eff. 1-1-00; 91-357, eff. 7-29-99; 91-704, eff. 7-1-00; 91-725, eff. 6-2-00; 91-794, eff. 6-9-00; 92-16, eff. 6-28-01; 92-30, eff. 7-1-01.)

Section 15. The Illinois Vehicle Code is amended by adding Section 3-653 and changing Section 18c-1503 as follows:"; and on page 2, below line 14, by inserting the following:

"(625 ILCS 5/18c-1503) (from Ch. 95 1/2, par. 18c-1503)

Sec. 18c-1503. Legislative Intent. It is the intent of the Legislature that the exercise of powers under Sections 18c-1501 and 18c-1502 of this Chapter shall not diminish revenues to the Commission, and that any surplus or deficit of revenues in the Transportation Regulatory Fund, together with any projected changes in the cost of administering and enforcing this Chapter, should be considered in establishing or adjusting fees and taxes in succeeding years. ~~The Commission shall administer fees and taxes under this~~

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~~Chapter--in--such-a-manner-as-to-insure-that-any-surplus-generated-or-accumulated-in-the-Transportation-Regulatory-Fund-does-not-exceed-the-surplus-accumulated-in-the-Motor-Vehicle-Fund-during-fiscal-year-1984;--and--shall--adjust--the-level-of-such-fees-and-taxes-to-insure-compliance-with-this-provision-~~
(Source: P.A. 84-796.)".

Senator Klemm moved the adoption of the foregoing amendment.

The motion prevailed and the amendment was adopted and ordered printed.

And House Bill No. 3712, as amended, was returned to the order of third reading.

On motion of Senator O'Malley, House Bill No. 3717 was recalled from the order of third reading to the order of second reading.

Floor Amendments numbered 1, 2 and 3 were tabled pursuant to Senate Rule 5-4(a).

Senator O'Malley offered the following amendment and moved its adoption:

AMENDMENT NO. 4

AMENDMENT NO. 4. Amend House Bill 3717 by replacing the title with the following:

"AN ACT in relation to criminal law."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by adding Section 2605-560 as follows:

(20 ILCS 2605/2605-560 new)

Sec. 2605-560. Pilot program; Project Safe Child.

(a) In this Section:

"Child" means a person under 18 years of age or a severely or profoundly mentally retarded person at the time of the offense.

"Sex offense" has the meaning ascribed to it in subsection (c) of Section 10 of the Sex Offender Management Board Act.

"Severely or profoundly mentally retarded person" has the meaning ascribed to it in Section 2-10.1 of the Criminal Code of 1961.

(b) The Department shall establish a Project Safe Child pilot program to combat crimes against children facilitated by the Internet.

(c) Through the pilot program, the Department, in coordination with local law enforcement agencies, State's Attorneys, and United States Attorneys, shall, to the extent it is appropriate based on a joint review of the case, encourage the prosecution in federal court of all persons who use the Internet, directly or indirectly, to commit or attempt to commit illegal solicitation of a child or a sex offense if the sex offense is committed or attempted against a child. The program shall also encourage public outreach by law enforcement agencies.

(d) There is created the Project Safe Child Fund, a special fund in the State treasury. Moneys appropriated for the purposes of Project Safe Child and moneys from any other private or public source, including without limitation grants from the Department of Commerce and Community Affairs or the United States Department of Justice, shall be deposited into the Fund. Moneys in the Fund, subject to appropriation, may be used by the Department of State Police to develop and administer the Project Safe Child program.

(e) The Department shall report to the General Assembly by March 1, 2005 regarding the implementation and effects of the Project Safe Child pilot program and shall by that date make recommendations to

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the General Assembly for changes in the program that the Department deems appropriate.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader, and the Clerk of the House of Representatives, with the President, the Minority Leader, and the Secretary of the Senate, and with the Legislative Research Unit, as required by Section 3.1 of the General Assembly Organization Act, and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

Section 10. The Sex Offender Management Board Act is amended by changing Section 10 as follows:

(20 ILCS 4026/10)

Sec. 10. Definitions. In this Act, unless the context otherwise requires:

(a) "Board" means the Sex Offender Management Board created in Section 15.

(b) "Sex offender" means any person who is convicted or found delinquent in the State of Illinois, or under any substantially similar federal law or law of another state, of any sex offense or attempt of a sex offense as defined in subsection (c) of this Section, or any former statute of this State that defined a felony sex offense, or who has been certified as a sexually dangerous person under the Sexually Dangerous Persons Act or declared a sexually violent person under the Sexually Violent Persons Commitment Act, or any substantially similar federal law or law of another state.

(c) "Sex offense" means any felony or misdemeanor offense described in this subsection (c) as follows:

(1) Indecent solicitation of a child, in violation of Section 11-6 of the Criminal Code of 1961;

(2) Indecent solicitation of an adult, in violation of Section 11-6.5 of the Criminal Code of 1961;

(3) Public indecency, in violation of Section 11-9 of the Criminal Code of 1961;

(4) Sexual exploitation of a child, in violation of Section 11-9.1 of the Criminal Code of 1961;

(5) Sexual relations within families, in violation of Section 11-11 of the Criminal Code of 1961;

(6) Soliciting for a juvenile prostitute, in violation of Section 11-15.1 of the Criminal Code of 1961;

(7) Keeping a place of juvenile prostitution, in violation of Section 11-17.1 of the Criminal Code of 1961;

(8) Patronizing a juvenile prostitute, in violation of Section 11-18.1 of the Criminal Code of 1961;

(9) Juvenile pimping, in violation of Section 11-19.1 of the Criminal Code of 1961;

(10) Exploitation of a child, in violation of Section 11-19.2 of the Criminal Code of 1961;

(11) Child pornography, in violation of Section 11-20.1 of the Criminal Code of 1961;

(12) Harmful material for a child, in violation of Section 11-21 of the Criminal Code of 1961;

(13) Criminal sexual assault, in violation of Section 12-13 of the Criminal Code of 1961;

(14) Aggravated criminal sexual assault, in violation of Section 12-14 of the Criminal Code of 1961;

(15) Predatory criminal sexual assault of a child, in violation of Section 12-14.1 of the Criminal Code of 1961;

(16) Criminal sexual abuse, in violation of Section 12-15

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of the Criminal Code of 1961;

(17) Aggravated criminal sexual abuse, in violation of Section 12-16 of the Criminal Code of 1961;

(18) Ritualized abuse of a child, in violation of Section 12-33 of the Criminal Code of 1961;

(19) An attempt to commit any of the offenses enumerated in this subsection (c).

(d) "Management" means counseling, monitoring, and supervision of any sex offender that conforms to the standards created by the Board under Section 15.

(Source: P.A. 90-133, eff. 7-22-97; 90-793, eff. 8-14-98.)

Section 15. The State Finance Act is amended by adding Section 5.595 as follows:

(30 ILCS 105/5.595 new)

Sec. 5.595. The Project Safe Child Fund.

Section 20. The Criminal Code of 1961 is amended by changing Sections 10-7, 11-9.3, 11-9.4, 11-20.1, and 11-21 and adding Sections 11-6.1 and 11-24 as follows:

(720 ILCS 5/10-7) (from Ch. 38, par. 10-7)

Sec. 10-7. Aiding and abetting child abduction or illegal solicitation of a child. (a) A person violates this Section when:

(i) Before or during the commission of a child abduction as defined in Section 10-5 or illegal solicitation of a child as defined in Section 11-6.1 and with the intent to promote or facilitate such offense, he or she intentionally aids or abets another in the planning or commission of child abduction or illegal solicitation of a child, unless before the commission of the offense he or she makes proper effort to prevent the commission of the offense; or

(ii) With the intent to prevent the apprehension of a person known to have committed the offense of child abduction or illegal solicitation of a child, or with the intent to obstruct or prevent efforts to locate the child victim of a child abduction or illegal solicitation of a child, he or she knowingly destroys, alters, conceals or disguises physical evidence or furnishes false information.

(b) Sentence. A person who violates this Section commits a Class 4 felony.

(Source: P.A. 84-1308.)

(720 ILCS 5/11-6.1 new)

Sec. 11-6.1. Illegal solicitation of a child.

(a) In this Section:

"Child" means a person under 18 years of age.

"Contacts or communicates with" includes direct and indirect contact or communication, by any means, including in person or through an agent or agency, and includes the use of any print medium, the mails, a common carrier or communication common carrier, any electronic communications system, and any telecommunications, wire, computer, or radio communications device or system.

"Detains" means taking or retaining physical custody of a child, whether or not the child resists or objects.

"Solicit" means to command, authorize, urge, incite, request, or advise another person to perform an act by any means including, but not limited to, in person, over the phone, in writing, by computer, or by advertisement of any kind.

(b) A person commits the offense of illegal solicitation of a child when he or she:

(1) intentionally solicits, lures, or attempts to solicit or lure a child to any location without the consent of the parent or lawful custodian of the child for other than a lawful purpose; or

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(2) intentionally contacts or communicates with, or attempts to contact or communicate with, any child, with belief or knowledge or reason to know the person is a child, for the purpose of or with intent to engage in any unlawful act upon or with any child, including aggravated battery of a child, criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, aggravated criminal sexual abuse, child pornography, a crime of violence or theft, or any unlawful interference with custody or control over a child, or any other act for which any person can be charged with a criminal offense under a state or federal law.

(c) It is not a defense to a violation of this Section that the person solicited or lured is a peace officer whom the defendant reasonably believes to be a child.

(d) For the purposes of this Section, the solicitation or luring or attempted solicitation or luring of a child to any location without the consent of the parent or lawful custodian of the child is prima facie evidence of other than a lawful purpose.

(e) Sentence. A person convicted of illegal solicitation of a child is guilty of a Class 4 felony. A person convicted of a second or subsequent violation of this Section is guilty of a Class 3 felony. It is a factor in aggravation for which a court may impose a more severe sentence under Section 5-8-1 of the Unified Code of Corrections if, upon sentencing, the court finds evidence of any of the following aggravating factors:

(1) that the defendant abused or neglected the child following the concealment, detention, or removal of the child; or

(2) that the defendant has previously been convicted of illegal solicitation of a child or a sex offense as defined in clause (c)(2), (c)(2.5), or (c)(3) of Section 11-9.3; or

(3) that the defendant committed the offense while armed with a deadly weapon or the taking of the child resulted in serious bodily injury to another; or

(4) that the defendant committed the offense while in a school, regardless of the time of day or time of year; in a playground; on any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity; on the real property of a school; or on a public way within 1,000 feet of the real property comprising any school or playground. For purposes of this paragraph (4), "playground" means a piece of land owned or controlled by a unit of local government that is designated by the unit of local government for use solely or primarily for children's recreation; and "school" means a public or private elementary or secondary school, community college, college, or university.

(720 ILCS 5/11-9.3)

Sec. 11-9.3. Presence within school zone by child sex offenders prohibited.

(a) It is unlawful for a child sex offender to knowingly be present in any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity when persons under the age of 18 are present in the building, on the grounds or in the conveyance, unless the offender is a parent or guardian of a student present in the building, on the grounds or in the conveyance or unless the offender has permission to be present from the superintendent or the school board or in the case of a private school from the principal. In the case of a public school, if permission is granted, the superintendent or school board president must inform the principal of the school where the sex

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offender will be present. Notification includes the nature of the sex offender's visit and the hours in which the sex offender will be present in the school. The sex offender is responsible for notifying the principal's office when he or she arrives on school property and when he or she departs from school property. If the sex offender is to be present in the vicinity of children, the sex offender has the duty to remain under the direct supervision of a school official. A child sex offender who violates this provision is guilty of a Class 4 felony.

(1) (Blank; or)

(2) (Blank.)

(b) It is unlawful for a child sex offender to knowingly loiter on a public way within 500 feet of a school building or real property comprising any school while persons under the age of 18 are present in the building or on the grounds, unless the offender is a parent or guardian of a student present in the building or on the grounds or has permission to be present from the superintendent or the school board or in the case of a private school from the principal. In the case of a public school, if permission is granted, the superintendent or school board president must inform the principal of the school where the sex offender will be present. Notification includes the nature of the sex offender's visit and the hours in which the sex offender will be present in the school. The sex offender is responsible for notifying the principal's office when he or she arrives on school property and when he or she departs from school property. If the sex offender is to be present in the vicinity of children, the sex offender has the duty to remain under the direct supervision of a school official. A child sex offender who violates this provision is guilty of a Class 4 felony.

(1) (Blank; or)

(2) (Blank.)

(b-5) It is unlawful for a child sex offender to knowingly reside within 500 feet of a school building or the real property comprising any school that persons under the age of 18 attend. Nothing in this subsection (b-5) prohibits a child sex offender from residing within 500 feet of a school building or the real property comprising any school that persons under 18 attend if the property is owned by the child sex offender and was purchased before the effective date of this amendatory Act of the 91st General Assembly.

(c) Definitions. In this Section:

(1) "Child sex offender" means any person who:

(i) has been charged under Illinois law, or any substantially similar federal law or law of another state, with a sex offense set forth in paragraph (2) of this subsection (c) or the attempt to commit an included sex offense, and:

(A) is convicted of such offense or an attempt to commit such offense; or

(B) is found not guilty by reason of insanity of such offense or an attempt to commit such offense; or

(C) is found not guilty by reason of insanity pursuant to subsection (c) of Section 104-25 of the Code of Criminal Procedure of 1963 of such offense or an attempt to commit such offense; or

(D) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged commission or attempted commission of such offense; or

(E) is found not guilty by reason of insanity

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following a hearing conducted pursuant to a federal law or the law of another state substantially similar to subsection (c) of Section 104-25 of the Code of Criminal Procedure of 1963 of such offense or of the attempted commission of such offense; or

(F) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to a federal law or the law of another state substantially similar to subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged violation or attempted commission of such offense; or

(ii) is certified as a sexually dangerous person pursuant to the Illinois Sexually Dangerous Persons Act, or any substantially similar federal law or the law of another state, when any conduct giving rise to such certification is committed or attempted against a person less than 18 years of age; or

(iii) is subject to the provisions of Section 2 of the Interstate Agreements on Sexually Dangerous Persons Act.

Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be counted for the purpose of this Section as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this Section.

(2) Except as otherwise provided in paragraph (2.5), "sex offense" means:

(i) A violation of any of the following Sections of the Criminal Code of 1961: 10-7 (aiding and abetting child abduction under Section 10-5(b)(10)) or aiding and abetting illegal solicitation of a child under Section 11-6.1, 10-5(b)(10) (child luring), 11-6 (indecent solicitation of a child), 11-6.1 (illegal solicitation of a child), 11-6.5 (indecent solicitation of an adult), 11-9 (public indecency when committed in a school, on the real property comprising a school, or on a conveyance, owned, leased, or contracted by a school to transport students to or from school or a school related activity), 11-9.1 (sexual exploitation of a child), 11-15.1 (soliciting for a juvenile prostitute), 11-17.1 (keeping a place of juvenile prostitution), 11-18.1 (patronizing a juvenile prostitute), 11-19.1 (juvenile pimping), 11-19.2 (exploitation of a child), 11-20.1 (child pornography), 11-21 (harmful material for a child), 12-14.1 (predatory criminal sexual assault of a child), 12-33 (ritualized abuse of a child), 11-20 (obscenity) (when that offense was committed in any school, on real property comprising any school, in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity). An attempt to commit any of these offenses.

(ii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age: 12-13 (criminal sexual assault), 12-14 (aggravated criminal sexual assault), 12-15 (criminal sexual abuse), 12-16 (aggravated criminal sexual abuse). An attempt to commit any of these offenses.

(iii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age and the defendant is not a parent of the victim:

10-1 (kidnapping),

10-2 (aggravated kidnapping),
 10-3 (unlawful restraint),
 10-3.1 (aggravated unlawful restraint).

An attempt to commit any of these offenses.

(iv) A violation of any former law of this State substantially equivalent to any offense listed in clause (2)(i) of subsection (c) of this Section.

(2.5) For the purposes of subsection (b-5) only, a sex offense means:

(i) A violation of any of the following Sections of the Criminal Code of 1961:

10-5(b)(10) (child luring), 10-7 (aiding and abetting child abduction under Section 10-5(b)(10) or aiding and abetting illegal solicitation of a child under Section 11-6.1), 11-6 (indecent solicitation of a child), 11-6.1 (illegal solicitation of a child), 11-6.5 (indecent solicitation of an adult), 11-15.1 (soliciting for a juvenile prostitute), 11-17.1 (keeping a place of juvenile prostitution), 11-18.1 (patronizing a juvenile prostitute), 11-19.1 (juvenile pimping), 11-19.2 (exploitation of a child), 11-20.1 (child pornography), 12-14.1 (predatory criminal sexual assault of a child), or 12-33 (ritualized abuse of a child). An attempt to commit any of these offenses.

(ii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age: 12-13 (criminal sexual assault), 12-14 (aggravated criminal sexual assault), 12-16 (aggravated criminal sexual abuse), and subsection (a) of Section 12-15 (criminal sexual abuse). An attempt to commit any of these offenses.

(iii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age and the defendant is not a parent of the victim:

10-1 (kidnapping),
 10-2 (aggravated kidnapping),
 10-3 (unlawful restraint),
 10-3.1 (aggravated unlawful restraint).

An attempt to commit any of these offenses.

(iv) A violation of any former law of this State substantially equivalent to any offense listed in this paragraph (2.5) of this subsection.

(3) A conviction for an offense of federal law or the law of another state that is substantially equivalent to any offense listed in paragraph (2) of subsection (c) of this Section shall constitute a conviction for the purpose of this Article. A finding or adjudication as a sexually dangerous person under any federal law or law of another state that is substantially equivalent to the Sexually Dangerous Persons Act shall constitute an adjudication for the purposes of this Section.

(4) "School" means a public or private pre-school, elementary, or secondary school.

(5) "Loiter" means:

(i) Standing, sitting idly, whether or not the person is in a vehicle or remaining in or around school property.

(ii) Standing, sitting idly, whether or not the person is in a vehicle or remaining in or around school property, for the purpose of committing or attempting to commit a sex offense.

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(6) "School official" means the principal, a teacher, or any other certified employee of the school, the superintendent of schools or a member of the school board.

(d) Sentence. A person who violates this Section is guilty of a Class 4 felony.

(Source: P.A. 90-234, eff. 1-1-98; 90-655, eff. 7-30-98; 91-356, eff. 1-1-00; 91-911, eff. 7-7-00.)

(720 ILCS 5/11-9.4)

Sec. 11-9.4. Approaching, contacting, residing, or communicating with a child within certain places by child sex offenders prohibited.

(a) It is unlawful for a child sex offender to knowingly be present in any public park building or on real property comprising any public park when persons under the age of 18 are present in the building or on the grounds and to approach, contact, or communicate with a child under 18 years of age, unless the offender is a parent or guardian of a person under 18 years of age present in the building or on the grounds.

(b) It is unlawful for a child sex offender to knowingly loiter on a public way within 500 feet of a public park building or real property comprising any public park while persons under the age of 18 are present in the building or on the grounds and to approach, contact, or communicate with a child under 18 years of age, unless the offender is a parent or guardian of a person under 18 years of age present in the building or on the grounds.

(b-5) It is unlawful for a child sex offender to knowingly reside within 500 feet of a playground or a facility providing programs or services exclusively directed toward persons under 18 years of age. Nothing in this subsection (b-5) prohibits a child sex offender from residing within 500 feet of a playground or a facility providing programs or services exclusively directed toward persons under 18 years of age if the property is owned by the child sex offender and was purchased before the effective date of this amendatory Act of the 91st General Assembly.

(b-6) It is unlawful for a child sex offender to knowingly reside within 500 feet of the victim of the sex offense. Nothing in this subsection (b-6) prohibits a child sex offender from residing within 500 feet of the victim if the property in which the child sex offender resides is owned by the child sex offender and was purchased before the effective date of this amendatory Act of the 92nd General Assembly.

This subsection (b-6) does not apply if the victim of the sex offense is 21 years of age or older.

(c) It is unlawful for a child sex offender to knowingly operate, manage, be employed by, volunteer at, be associated with, or knowingly be present at any facility providing programs or services exclusively directed towards persons under the age of 18. This does not prohibit a child sex offender from owning the real property upon which the programs or services are offered, provided the child sex offender refrains from being present on the premises for the hours during which the programs or services are being offered.

(d) Definitions. In this Section:

(1) "Child sex offender" means any person who:

(i) has been charged under Illinois law, or any substantially similar federal law or law of another state, with a sex offense set forth in paragraph (2) of this subsection (d) or the attempt to commit an included sex offense, and:

(A) is convicted of such offense or an attempt to commit such offense; or

(B) is found not guilty by reason of insanity of

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such offense or an attempt to commit such offense; or

(C) is found not guilty by reason of insanity pursuant to subsection (c) of Section 104-25 of the Code of Criminal Procedure of 1963 of such offense or an attempt to commit such offense; or

(D) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged commission or attempted commission of such offense; or

(E) is found not guilty by reason of insanity following a hearing conducted pursuant to a federal law or the law of another state substantially similar to subsection (c) of Section 104-25 of the Code of Criminal Procedure of 1963 of such offense or of the attempted commission of such offense; or

(F) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to a federal law or the law of another state substantially similar to subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged violation or attempted commission of such offense; or

(ii) is certified as a sexually dangerous person pursuant to the Illinois Sexually Dangerous Persons Act, or any substantially similar federal law or the law of another state, when any conduct giving rise to such certification is committed or attempted against a person less than 18 years of age; or

(iii) is subject to the provisions of Section 2 of the Interstate Agreements on Sexually Dangerous Persons Act.

Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be counted for the purpose of this Section as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this Section.

(2) Except as otherwise provided in paragraph (2.5), "sex offense" means:

(i) A violation of any of the following Sections of the Criminal Code of 1961: 10-7 (aiding and abetting child abduction under Section 10-5(b)(10) or aiding and abetting illegal solicitation of a child under Section 11-6.1), 10-5(b)(10) (child luring), 11-6 (indecent solicitation of a child), 11-6.1 (illegal solicitation of a child), 11-6.5 (indecent solicitation of an adult), 11-9 (public indecency when committed in a school, on the real property comprising a school, on a conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, or in a public park), 11-9.1 (sexual exploitation of a child), 11-15.1 (soliciting for a juvenile prostitute), 11-17.1 (keeping a place of juvenile prostitution), 11-18.1 (patronizing a juvenile prostitute), 11-19.1 (juvenile pimping), 11-19.2 (exploitation of a child), 11-20.1 (child pornography), 11-21 (harmful material for a child), 12-14.1 (predatory criminal sexual assault of a child), 12-33 (ritualized abuse of a child), 11-20 (obscenity) (when that offense was committed in any school, on real property comprising any school, on any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, or in a public park). An attempt to commit any of these

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offenses.

(ii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age: 12-13 (criminal sexual assault), 12-14 (aggravated criminal sexual assault), 12-15 (criminal sexual abuse), 12-16 (aggravated criminal sexual abuse). An attempt to commit any of these offenses.

(iii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age and the defendant is not a parent of the victim:

10-1 (kidnapping),
10-2 (aggravated kidnapping),
10-3 (unlawful restraint),
10-3.1 (aggravated unlawful restraint).

An attempt to commit any of these offenses.

(iv) A violation of any former law of this State substantially equivalent to any offense listed in clause (2)(i) of this subsection (d).

(2.5) For the purposes of subsection (b-5) only, a sex offense means:

(i) A violation of any of the following Sections of the Criminal Code of 1961:

10-5(b)(10) (child luring), 10-7 (aiding and abetting child abduction under Section 10-5(b)(10) or aiding and abetting illegal solicitation of a child under Section 11-6.1), 11-6 (indecent solicitation of a child), 11-6.1 (illegal solicitation of a child), 11-6.5 (indecent solicitation of an adult), 11-15.1 (soliciting for a juvenile prostitute), 11-17.1 (keeping a place of juvenile prostitution), 11-18.1 (patronizing a juvenile prostitute), 11-19.1 (juvenile pimping), 11-19.2 (exploitation of a child), 11-20.1 (child pornography), 12-14.1 (predatory criminal sexual assault of a child), or 12-33 (ritualized abuse of a child). An attempt to commit any of these offenses.

(ii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age: 12-13 (criminal sexual assault), 12-14 (aggravated criminal sexual assault), 12-16 (aggravated criminal sexual abuse), and subsection (a) of Section 12-15 (criminal sexual abuse). An attempt to commit any of these offenses.

(iii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age and the defendant is not a parent of the victim:

10-1 (kidnapping),
10-2 (aggravated kidnapping),
10-3 (unlawful restraint),
10-3.1 (aggravated unlawful restraint).

An attempt to commit any of these offenses.

(iv) A violation of any former law of this State substantially equivalent to any offense listed in this paragraph (2.5) of this subsection.

(3) A conviction for an offense of federal law or the law of another state that is substantially equivalent to any offense listed in paragraph (2) of this subsection (d) shall constitute a conviction for the purpose of this Section. A finding or adjudication as a sexually dangerous person under any federal law

or law of another state that is substantially equivalent to the Sexually Dangerous Persons Act shall constitute an adjudication for the purposes of this Section.

(4) "Public park" includes a park, forest preserve, or conservation area under the jurisdiction of the State or a unit of local government.

(5) "Facility providing programs or services directed towards persons under the age of 18" means any facility providing programs or services exclusively directed towards persons under the age of 18.

(6) "Loiter" means:

(i) Standing, sitting idly, whether or not the person is in a vehicle or remaining in or around public park property.

(ii) Standing, sitting idly, whether or not the person is in a vehicle or remaining in or around public park property, for the purpose of committing or attempting to commit a sex offense.

(7) "Playground" means a piece of land owned or controlled by a unit of local government that is designated by the unit of local government for use solely or primarily for children's recreation.

(e) Sentence. A person who violates this Section is guilty of a Class 4 felony.

(Source: P.A. 91-458, eff. 1-1-00; 91-911, eff. 7-7-00; 92-828, eff. 8-22-02.)

(720 ILCS 5/11-20.1) (from Ch. 38, par. 11-20.1)

Sec. 11-20.1. Child pornography.

(a) A person commits the offense of child pornography who:

(1) films, videotapes, photographs, or otherwise depicts or portrays by means of any similar visual medium or reproduction or depicts by computer any child whom he knows or reasonably should know to be under the age of 18 or any severely or profoundly mentally retarded person where such child or severely or profoundly mentally retarded person is:

(i) actually or by simulation engaged in any act of sexual penetration or sexual conduct with any person or animal; or

(ii) actually or by simulation engaged in any act of sexual penetration or sexual conduct involving the sex organs of the child or severely or profoundly mentally retarded person and the mouth, anus, or sex organs of another person or animal; or which involves the mouth, anus or sex organs of the child or severely or profoundly mentally retarded person and the sex organs of another person or animal; or

(iii) actually or by simulation engaged in any act of masturbation; or

(iv) actually or by simulation portrayed as being the object of, or otherwise engaged in, any act of lewd fondling, touching, or caressing involving another person or animal; or

(v) actually or by simulation engaged in any act of excretion or urination within a sexual context; or

(vi) actually or by simulation portrayed or depicted as bound, fettered, or subject to sadistic, masochistic, or sadomasochistic abuse in any sexual context; or

(vii) depicted or portrayed in any pose, posture or setting involving a lewd exhibition of the unclothed genitals, pubic area, buttocks, or, if such person is

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female, a fully or partially developed breast of the child or other person; or

(2) with the knowledge of the nature or content thereof, reproduces, disseminates, offers to disseminate, exhibits or possesses with intent to disseminate any film, videotape, photograph or other similar visual reproduction or depiction by computer of any child or severely or profoundly mentally retarded person whom the person knows or reasonably should know to be under the age of 18 or to be a severely or profoundly mentally retarded person, engaged in any activity described in subparagraphs (i) through (vii) of paragraph (1) of this subsection; or

(3) with knowledge of the subject matter or theme thereof, produces any stage play, live performance, film, videotape or other similar visual portrayal or depiction by computer which includes a child whom the person knows or reasonably should know to be under the age of 18 or a severely or profoundly mentally retarded person engaged in any activity described in subparagraphs (i) through (vii) of paragraph (1) of this subsection; or

(4) solicits, uses, persuades, induces, entices, or coerces any child whom he knows or reasonably should know to be under the age of 18 or a severely or profoundly mentally retarded person to appear in any stage play, live presentation, film, videotape, photograph or other similar visual reproduction or depiction by computer in which the child or severely or profoundly mentally retarded person is or will be depicted, actually or by simulation, in any act, pose or setting described in subparagraphs (i) through (vii) of paragraph (1) of this subsection; or

(5) is a parent, step-parent, legal guardian or other person having care or custody of a child whom the person knows or reasonably should know to be under the age of 18 or a severely or profoundly mentally retarded person and who knowingly permits, induces, promotes, or arranges for such child or severely or profoundly mentally retarded person to appear in any stage play, live performance, film, videotape, photograph or other similar visual presentation, portrayal or simulation or depiction by computer of any act or activity described in subparagraphs (i) through (vii) of paragraph (1) of this subsection; or

(6) with knowledge of the nature or content thereof, possesses any film, videotape, photograph or other similar visual reproduction or depiction by computer of any child or severely or profoundly mentally retarded person whom the person knows or reasonably should know to be under the age of 18 or to be a severely or profoundly mentally retarded person, engaged in any activity described in subparagraphs (i) through (vii) of paragraph (1) of this subsection; or

(7) solicits, uses, persuades, induces, entices, or coerces a person to provide a child under the age of 18 or a severely or profoundly mentally retarded person to appear in any videotape, photograph, film, stage play, live presentation, or other similar visual reproduction or depiction by computer in which the child or severely or profoundly mentally retarded person will be depicted, actually or by simulation, in any act, pose, or setting described in subparagraphs (i) through (vii) of paragraph (1) of this subsection; or-

(8) solicits, persuades, induces, entices, seduces, or coerces a child under 18 years of age to pose for a photograph, video, or a digital image in any posture or setting that could be

construed as child erotica.

(b) (1) It shall be an affirmative defense to a charge of child pornography that the defendant reasonably believed, under all of the circumstances, that the child was 18 years of age or older or that the person was not a severely or profoundly mentally retarded person but only where, prior to the act or acts giving rise to a prosecution under this Section, he took some affirmative action or made a bonafide inquiry designed to ascertain whether the child was 18 years of age or older or that the person was not a severely or profoundly mentally retarded person and his reliance upon the information so obtained was clearly reasonable.

(2) (Blank).

(3) The charge of child pornography shall not apply to the performance of official duties by law enforcement or prosecuting officers, court personnel or attorneys, nor to bonafide treatment or professional education programs conducted by licensed physicians, psychologists or social workers.

(4) Possession by the defendant of more than one of the same film, videotape or visual reproduction or depiction by computer in which child pornography is depicted shall raise a rebuttable presumption that the defendant possessed such materials with the intent to disseminate them.

(5) The charge of child pornography does not apply to a person who does not voluntarily possess a film, videotape, or visual reproduction or depiction by computer in which child pornography is depicted. Possession is voluntary if the defendant knowingly procures or receives a film, videotape, or visual reproduction or depiction for a sufficient time to be able to terminate his or her possession.

(6) The charge of child pornography does not apply to the generation, depiction, or possession of computer generated images that are not depictions of actual persons.

(c) Violation of paragraph (1), (4), (5), or (7) of subsection (a) is a Class 1 felony with a mandatory minimum fine of \$2,000 and a maximum fine of \$100,000. Violation of paragraph (3) of subsection (a) is a Class 1 felony with a mandatory minimum fine of \$1500 and a maximum fine of \$100,000. Violation of paragraph (2) of subsection (a) is a Class 1 felony with a mandatory minimum fine of \$1000 and a maximum fine of \$100,000. Violation of paragraph (6) or (8) of subsection (a) is a Class 3 felony with a mandatory minimum fine of \$1000 and a maximum fine of \$100,000.

(d) If a person is convicted of a second or subsequent violation of this Section within 10 years of a prior conviction, the court shall order a presentence psychiatric examination of the person. The examiner shall report to the court whether treatment of the person is necessary.

(e) Any film, videotape, photograph or other similar visual reproduction or depiction by computer which includes a child under the age of 18 or a severely or profoundly mentally retarded person engaged in any activity described in subparagraphs (i) through (vii) or paragraph 1 of subsection (a), and any material or equipment used or intended for use in photographing, filming, printing, producing, reproducing, manufacturing, projecting, exhibiting, depiction by computer, or disseminating such material shall be seized and forfeited in the manner, method and procedure provided by Section 36-1 of this Code for the seizure and forfeiture of vessels, vehicles and aircraft.

(e-5) Upon the conclusion of a case brought under this Section, the court shall seal all evidence depicting a victim or witness that

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is sexually explicit. The evidence may be unsealed and viewed, on a motion of the party seeking to unseal and view the evidence, only for good cause shown and in the discretion of the court. The motion must expressly set forth the purpose for viewing the material. The State's attorney and the victim, if possible, shall be provided reasonable notice of the hearing on the motion to unseal the evidence. Any person entitled to notice of a hearing under this subsection (e-5) may object to the motion.

(f) Definitions. For the purposes of this Section:

(1) "Disseminate" means (i) to sell, distribute, exchange or transfer possession, whether with or without consideration or (ii) to make a depiction by computer available for distribution or downloading through the facilities of any telecommunications network or through any other means of transferring computer programs or data to a computer.

(2) "Produce" means to direct, promote, advertise, publish, manufacture, issue, present or show.

(3) "Reproduce" means to make a duplication or copy.

(4) "Depict by computer" means to generate or create, or cause to be created or generated, a computer program or data that, after being processed by a computer either alone or in conjunction with one or more computer programs, results in a visual depiction on a computer monitor, screen, or display.

(5) "Depiction by computer" means a computer program or data that, after being processed by a computer either alone or in conjunction with one or more computer programs, results in a visual depiction on a computer monitor, screen, or display.

(6) "Computer", "computer program", and "data" have the meanings ascribed to them in Section 16D-2 of this Code.

(7) "Child" includes a film, videotape, photograph, or other similar visual medium or reproduction or depiction by computer that is, or appears to be, that of a person, either in part, or in total, under the age of 18, regardless of the method by which the film, videotape, photograph, or other similar visual medium or reproduction or depiction by computer is created, adopted, or modified to appear as such. "Child" also includes a film, videotape, photograph, or other similar visual medium or reproduction or depiction by computer that is advertised, promoted, presented, described, or distributed in such a manner that conveys the impression that the film, videotape, photograph, or other similar visual medium or reproduction or depiction by computer is of a person under the age of 18.

(8) "Sexual penetration" and "sexual conduct" have the meanings ascribed to them in Section 12-12 of this Code.

(9) "Child erotica" means any photograph, videotape, or digital image in which the focus or the concentration of the photograph, videotape, or digital image is the lewd or lascivious depiction or exhibition of the child's clothed or unclothed genitals, the child's pubic area, or, if the child is a female, the child's fully or partially developed breast exposed or through transparent clothing. The following factors shall be taken into consideration in determining whether a visual depiction of a child constitutes a lewd or lascivious exhibition of the genitals, pubic area, or breast: (i) whether the focal point of the visual depiction is on the child's genitalia, pubic area, or breast; (ii) whether the setting of the visual depiction is sexually suggestive, i.e., in a place or pose generally associated with sexual activity; (iii) whether the child is depicted in an unnatural pose, or in inappropriate attire, considering the age of the child; (iv) whether the child is fully

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or partially clothed, or nude; (v) whether the visual depiction suggests sexual coyness or a willingness to engage in sexual activity; or (vi) whether the visual depiction is intended or designed to elicit a sexual response in the viewer.

(g) Re-enactment; findings; purposes.

(1) The General Assembly finds and declares that:

(i) Section 50-5 of Public Act 88-680, effective January 1, 1995, contained provisions amending the child pornography statute, Section 11-20.1 of the Criminal Code of 1961. Section 50-5 also contained other provisions.

(ii) In addition, Public Act 88-680 was entitled "AN ACT to create a Safe Neighborhoods Law". (A) Article 5 was entitled JUVENILE JUSTICE and amended the Juvenile Court Act of 1987. (B) Article 15 was entitled GANGS and amended various provisions of the Criminal Code of 1961 and the Unified Code of Corrections. (C) Article 20 was entitled ALCOHOL ABUSE and amended various provisions of the Illinois Vehicle Code. (D) Article 25 was entitled DRUG ABUSE and amended the Cannabis Control Act and the Illinois Controlled Substances Act. (E) Article 30 was entitled FIREARMS and amended the Criminal Code of 1961 and the Code of Criminal Procedure of 1963. (F) Article 35 amended the Criminal Code of 1961, the Rights of Crime Victims and Witnesses Act, and the Unified Code of Corrections. (G) Article 40 amended the Criminal Code of 1961 to increase the penalty for compelling organization membership of persons. (H) Article 45 created the Secure Residential Youth Care Facility Licensing Act and amended the State Finance Act, the Juvenile Court Act of 1987, the Unified Code of Corrections, and the Private Correctional Facility Moratorium Act. (I) Article 50 amended the WIC Vendor Management Act, the Firearm Owners Identification Card Act, the Juvenile Court Act of 1987, the Criminal Code of 1961, the Wrongs to Children Act, and the Unified Code of Corrections.

(iii) On September 22, 1998, the Third District Appellate Court in *People v. Dainty*, 701 N.E. 2d 118, ruled that Public Act 88-680 violates the single subject clause of the Illinois Constitution (Article IV, Section 8 (d)) and was unconstitutional in its entirety. As of the time this amendatory Act of 1999 was prepared, *People v. Dainty* was still subject to appeal.

(iv) Child pornography is a vital concern to the people of this State and the validity of future prosecutions under the child pornography statute of the Criminal Code of 1961 is in grave doubt.

(2) It is the purpose of this amendatory Act of 1999 to prevent or minimize any problems relating to prosecutions for child pornography that may result from challenges to the constitutional validity of Public Act 88-680 by re-enacting the Section relating to child pornography that was included in Public Act 88-680.

(3) This amendatory Act of 1999 re-enacts Section 11-20.1 of the Criminal Code of 1961, as it has been amended. This re-enactment is intended to remove any question as to the validity or content of that Section; it is not intended to supersede any other Public Act that amends the text of the Section as set forth in this amendatory Act of 1999. The material is shown as existing text (i.e., without underscoring) because, as of the time this amendatory Act of 1999 was prepared, *People v. Dainty* was subject to appeal to the Illinois Supreme

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Court.

(4) The re-enactment by this amendatory Act of 1999 of Section 11-20.1 of the Criminal Code of 1961 relating to child pornography that was amended by Public Act 88-680 is not intended, and shall not be construed, to imply that Public Act 88-680 is invalid or to limit or impair any legal argument concerning whether those provisions were substantially re-enacted by other Public Acts.

(Source: P.A. 91-54, eff. 6-30-99; 91-229, eff. 1-1-00; 91-357, eff. 7-29-99; 92-16, eff. 6-28-01; 92-434, eff. 1-1-02; 92-827, eff. 8-22-02.)

(720 ILCS 5/11-21) (from Ch. 38, par. 11-21)

Sec. 11-21. Harmful material for a child.

(a) Elements of the Offense.

A person who, with knowledge that a person is a child, that is a person under 18 years of age, or who fails to exercise reasonable care in ascertaining the true age of a child, knowingly distributes to or sends or causes to be sent to, or exhibits to, or offers to distribute or exhibit any harmful material to a child, is guilty of distribution of harmful material for a child a--misdemeanor. For purposes of this Section, if the distribution of the harmful material is by computer or other electronic means, a person is criminally liable for a violation of this Section if the harmful material is intentionally transmitted by him or her to a specific individual actually believed by him or her to be a minor, and the specific minor is the intended and desired recipient of the harmful material.

(b) Definitions.

(1) Material is harmful or obscene for children when it is a pornographic written, visual, or audio matter, judged in reference to the age group of children in the intended and probable recipient audience, and if: (i) the average adult person, applying contemporary community standards, would find, taken as a whole and with respect to those children, appeals to a prurient interest in nudity, sex, or excretion; and (ii) the average adult person, applying contemporary community standards, would find depicts, describes, or represents, in a patently offensive way with respect to what is suitable for those children, ultimate sexual acts or sadomasochistic sexual acts or abuse, whether normal or perverted, actual or simulated, or masturbation, excretory functions, or lewd exhibition of the genitals, pubic area, buttocks, or post-pubertal female breast; and (iii) a reasonable person would find, taken as a whole, that it lacks serious literary, artistic, political, or scientific value for those children in the intended and probable recipient audience. ~~Material is harmful if, to the average person, applying contemporary standards, its predominant appeal, taken as a whole, is to prurient interest, that is a shameful or morbid interest in nudity, sex, or excretion, which goes substantially beyond customary limits of candor in description or representation of such matters, and is material the redeeming social importance of which is substantially less than its prurient appeal.~~

(2) Material, as used in this Section means any writing, picture, record or other representation or embodiment.

(3) Distribute means to transfer possession of, whether with or without consideration.

(4) Knowingly, as used in this section means having general knowledge or awareness of the nature or contents of the subject matter, or recklessly failing to exercise reasonable inspection which would have disclosed the contents thereof.

(c) Interpretation of Evidence.

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The predominant appeal to prurient interest of the material shall be judged with reference to average children of the same general age of the child to whom such material was offered, distributed, sent or exhibited, unless it appears from the nature of the matter or the circumstances of its dissemination, distribution or exhibition that it is designed for specially susceptible groups, in which case the predominant appeal of the material shall be judged with reference to its intended or probable recipient group.

In prosecutions under this section, where circumstances of production, presentation, sale, dissemination, distribution, or publicity indicate the material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the material and can justify the conclusion that the redeeming social importance of the material is in fact substantially less than its prurient appeal.

(d) Sentence.

Distribution of harmful material in violation of this Section is a Class A misdemeanor. A second or subsequent offense is a Class 4 felony. If a person uses a computer to intentionally distribute to, send or cause to be sent to, or offers to distribute or send any harmful material for a child, he or she is guilty of a Class 4 felony.

(e) Affirmative Defenses.

(1) Nothing in this section shall prohibit any public library or any library operated by an accredited institution of higher education from circulating harmful material to any person under 18 years of age, provided such circulation is in aid of a legitimate scientific or educational purpose, and it shall be an affirmative defense in any prosecution for a violation of this section that the act charged was committed in aid of legitimate scientific or educational purposes.

(2) Nothing in this section shall prohibit any parent from distributing to his child any harmful material.

(3) Proof that the defendant demanded, was shown and acted in reliance upon any of the following documents as proof of the age of a child, shall be a defense to any criminal prosecution under this section: A document issued by the federal government or any state, county or municipal government or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act or an identification card issued to a member of the armed forces.

(4) In the event an advertisement of harmful material as defined in this section culminates in the sale or distribution of such harmful material to a child, under circumstances where there was no personal confrontation of the child by the defendant, his employees or agents, as where the order or request for such harmful material was transmitted by mail, telephone, or similar means of communication, and delivery of such harmful material to the child was by mail, freight, or similar means of transport, it shall be a defense in any prosecution for a violation of this section that the advertisement contained the following statement, or a statement substantially similar thereto, and that the defendant required the purchaser to certify that he was not under 18 years of age and that the purchaser falsely stated that he was not under 18 years of age: "NOTICE: It is unlawful for any person under 18 years of age to purchase the matter herein advertised. Any person under 18 years of age who falsely states that he is not under 18 years of age for the purpose of obtaining the material advertised herein, is guilty of a Class B misdemeanor under the laws of the State of Illinois."

(f) Child Falsifying Age.

Any person under 18 years of age who falsely states, either

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orally or in writing, that he is not under the age of 18 years, or who presents or offers to any person any evidence of age and identity which is false or not actually his own for the purpose of ordering, obtaining, viewing, or otherwise procuring or attempting to procure or view any harmful material, is guilty of a Class B misdemeanor.

(Source: P.A. 77-2638.)

(720 ILCS 5/11-24 new)

Sec. 11-24. Child photography by sex offender.

(a) In this Section:

"Child" means a person under 18 years of age.

"Child sex offender" has the meaning ascribed to it in Section 11-9.3 of this Code.

(b) It is unlawful for a child sex offender to knowingly:

(1) conduct or operate any type of business in which he or she photographs, videotapes, or takes a digital image of a child;

(2) conduct or operate any type of business in which he or she instructs or directs another person to photograph, videotape, or take a digital image of a child;

(3) conduct or operate any type of business in which he or she offers for sale a photograph, videotape, computer disk, digital image, or visual depiction of a child;

(4) solicit, induce, persuade, or entice a child to pose for a photograph, videotape, or digital image;

(5) transport a child or cause a child to be transported in order to pose for a photograph, videotape, or digital image; or

(6) arrange for a child to pose for a photograph, videotape, or digital image.

(c) Sentence. A violation of this Section is a Class 2 felony.

Section 25. The Unified Code of Corrections is amended by changing Sections 5-4-3 and 5-9-1.7 as follows:

(730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

Sec. 5-4-3. Persons convicted of, or found delinquent for, certain offenses or institutionalized as sexually dangerous; specimens; genetic marker groups.

(a) Any person convicted of, found guilty under the Juvenile Court Act of 1987 for, or who received a disposition of court supervision for, a qualifying offense or attempt of a qualifying offense, convicted or found guilty of any offense classified as a felony under Illinois law, found guilty or given supervision for any offense classified as a felony under the Juvenile Court Act of 1987, or institutionalized as a sexually dangerous person under the Sexually Dangerous Persons Act, or committed as a sexually violent person under the Sexually Violent Persons Commitment Act shall, regardless of the sentence or disposition imposed, be required to submit specimens of blood, saliva, or tissue to the Illinois Department of State Police in accordance with the provisions of this Section, provided such person is:

(1) convicted of a qualifying offense or attempt of a qualifying offense on or after the effective date of this amendatory Act of 1989, and sentenced to a term of imprisonment, periodic imprisonment, fine, probation, conditional discharge or any other form of sentence, or given a disposition of court supervision for the offense, or

(1.5) found guilty or given supervision under the Juvenile Court Act of 1987 for a qualifying offense or attempt of a qualifying offense on or after the effective date of this amendatory Act of 1996, or

(2) ordered institutionalized as a sexually dangerous person on or after the effective date of this amendatory Act of 1989, or

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(3) convicted of a qualifying offense or attempt of a qualifying offense before the effective date of this amendatory Act of 1989 and is presently confined as a result of such conviction in any State correctional facility or county jail or is presently serving a sentence of probation, conditional discharge or periodic imprisonment as a result of such conviction, or

(3.5) convicted or found guilty of any offense classified as a felony under Illinois law or found guilty or given supervision for such an offense under the Juvenile Court Act of 1987 on or after the effective date of this amendatory Act of the 92nd General Assembly, or

(4) presently institutionalized as a sexually dangerous person or presently institutionalized as a person found guilty but mentally ill of a sexual offense or attempt to commit a sexual offense; or

(4.5) ordered committed as a sexually violent person on or after the effective date of the Sexually Violent Persons Commitment Act; or

(5) seeking transfer to or residency in Illinois under Sections 3-3-11.05 through 3-3-11.5 of the Unified Code of Corrections and the Interstate Compact for Adult Offenders Supervision or the Interstate Agreements on Sexually Dangerous Persons Act.

Notwithstanding other provisions of this Section, any person incarcerated in a facility of the Illinois Department of Corrections on or after the effective date of this amendatory Act of the 92nd General Assembly shall be required to submit a specimen of blood, saliva, or tissue prior to his or her release on parole or mandatory supervised release, as a condition of his or her parole or mandatory supervised release.

(a-5) Any person who was otherwise convicted of or received a disposition of court supervision for any other offense under the Criminal Code of 1961 or who was found guilty or given supervision for such a violation under the Juvenile Court Act of 1987, may, regardless of the sentence imposed, be required by an order of the court to submit specimens of blood, saliva, or tissue to the Illinois Department of State Police in accordance with the provisions of this Section.

(b) Any person required by paragraphs (a)(1), (a)(1.5), (a)(2), (a)(3.5), and (a-5) to provide specimens of blood, saliva, or tissue shall provide specimens of blood, saliva, or tissue within 45 days after sentencing or disposition at a collection site designated by the Illinois Department of State Police.

(c) Any person required by paragraphs (a)(3), (a)(4), and (a)(4.5) to provide specimens of blood, saliva, or tissue shall be required to provide such samples prior to final discharge, parole, or release at a collection site designated by the Illinois Department of State Police.

(c-5) Any person required by paragraph (a)(5) to provide specimens of blood, saliva, or tissue shall, where feasible, be required to provide the specimens before being accepted for conditioned residency in Illinois under the interstate compact or agreement, but no later than 45 days after arrival in this State.

(c-6) The Illinois Department of State Police may determine which type of specimen or specimens, blood, saliva, or tissue, is acceptable for submission to the Division of Forensic Services for analysis.

(d) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of blood

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samples. The collection of samples shall be performed in a medically approved manner. Only a physician authorized to practice medicine, a registered nurse or other qualified person trained in venipuncture may withdraw blood for the purposes of this Act. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(d-1) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of saliva samples. The collection of saliva samples shall be performed in a medically approved manner. Only a person trained in the instructions promulgated by the Illinois State Police on collecting saliva may collect saliva for the purposes of this Section. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(d-2) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of tissue samples. The collection of tissue samples shall be performed in a medically approved manner. Only a person trained in the instructions promulgated by the Illinois State Police on collecting tissue may collect tissue for the purposes of this Section. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(d-5) To the extent that funds are available, the Illinois Department of State Police shall contract with qualified personnel and certified laboratories for the collection, analysis, and categorization of known samples.

(e) The genetic marker groupings shall be maintained by the Illinois Department of State Police, Division of Forensic Services.

(f) The genetic marker grouping analysis information obtained pursuant to this Act shall be confidential and shall be released only to peace officers of the United States, of other states or territories, of the insular possessions of the United States, of foreign countries duly authorized to receive the same, to all peace officers of the State of Illinois and to all prosecutorial agencies. The genetic marker grouping analysis information obtained pursuant to this Act shall be used only for (i) valid law enforcement identification purposes and as required by the Federal Bureau of Investigation for participation in the National DNA database or (ii) technology validation purposes. Notwithstanding any other statutory provision to the contrary, all information obtained under this Section shall be maintained in a single State data base, which may be uploaded into a national database, and which information may be subject to expungement only as set forth in subsection (f-1).

(f-1) Upon receipt of notification of a reversal of a conviction based on actual innocence, or of the granting of a pardon pursuant to Section 12 of Article V of the Illinois Constitution, if that pardon document specifically states that the reason for the pardon is the actual innocence of an individual whose DNA record has been stored in the State or national DNA identification index in accordance with this Section by the Illinois Department of State Police, the DNA record shall be expunged from the DNA identification index, and the Department shall by rule prescribe procedures to ensure that the record and any samples, analyses, or other documents relating to such record, whether in the possession of the Department or any law enforcement or police agency, or any forensic DNA laboratory, including any duplicates or copies thereof, are destroyed and a letter is sent to the court verifying the expungement is completed.

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(f-5) Any person who intentionally uses genetic marker grouping analysis information, or any other information derived from a DNA sample, beyond the authorized uses as provided under this Section, or any other Illinois law, is guilty of a Class 4 felony, and shall be subject to a fine of not less than \$5,000.

(g) For the purposes of this Section, "qualifying offense" means any of the following:

(1) Any violation or inchoate violation of Section 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or 12-16 of the Criminal Code of 1961, or

(1.1) Any violation or inchoate violation of Section 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3, 18-4, 19-1, or 19-2 of the Criminal Code of 1961 for which persons are convicted on or after July 1, 2001, or

(2) Any former statute of this State which defined a felony sexual offense, or

(3) Any violation of Section 11-6.1 of the Criminal Code of 1961 when the sentencing court, upon a motion by the State's Attorney or Attorney General, makes a finding that the child solicitation involved an intent to commit sexual penetration or sexual conduct as defined in Section 12-12 of the Criminal Code of 1961 {Blank}, or

(4) Any inchoate violation of Section 9-3.1, 11-9.3, 12-7.3, or 12-7.4 of the Criminal Code of 1961.

(g-5) (Blank).

(h) The Illinois Department of State Police shall be the State central repository for all genetic marker grouping analysis information obtained pursuant to this Act. The Illinois Department of State Police may promulgate rules for the form and manner of the collection of blood, saliva, or tissue samples and other procedures for the operation of this Act. The provisions of the Administrative Review Law shall apply to all actions taken under the rules so promulgated.

(i) A person required to provide a blood, saliva, or tissue specimen shall cooperate with the collection of the specimen and any deliberate act by that person intended to impede, delay or stop the collection of the blood, saliva, or tissue specimen is a Class A misdemeanor.

(j) Any person required by subsection (a) to submit specimens of blood, saliva, or tissue to the Illinois Department of State Police for analysis and categorization into genetic marker grouping, in addition to any other disposition, penalty, or fine imposed, shall pay an analysis fee of \$200. If the analysis fee is not paid at the time of sentencing, the court shall establish a fee schedule by which the entire amount of the analysis fee shall be paid in full, such schedule not to exceed 24 months from the time of conviction. The inability to pay this analysis fee shall not be the sole ground to incarcerate the person.

(k) All analysis and categorization fees provided for by subsection (j) shall be regulated as follows:

(1) The State Offender DNA Identification System Fund is hereby created as a special fund in the State Treasury.

(2) All fees shall be collected by the clerk of the court and forwarded to the State Offender DNA Identification System Fund for deposit. The clerk of the circuit court may retain the amount of \$10 from each collected analysis fee to offset administrative costs incurred in carrying out the clerk's responsibilities under this Section.

(3) Fees deposited into the State Offender DNA Identification System Fund shall be used by Illinois State Police

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crime laboratories as designated by the Director of State Police. These funds shall be in addition to any allocations made pursuant to existing laws and shall be designated for the exclusive use of State crime laboratories. These uses may include, but are not limited to, the following:

(A) Costs incurred in providing analysis and genetic marker categorization as required by subsection (d).

(B) Costs incurred in maintaining genetic marker groupings as required by subsection (e).

(C) Costs incurred in the purchase and maintenance of equipment for use in performing analyses.

(D) Costs incurred in continuing research and development of new techniques for analysis and genetic marker categorization.

(E) Costs incurred in continuing education, training, and professional development of forensic scientists regularly employed by these laboratories.

(1) The failure of a person to provide a specimen, or of any person or agency to collect a specimen, within the 45 day period shall in no way alter the obligation of the person to submit such specimen, or the authority of the Illinois Department of State Police or persons designated by the Department to collect the specimen, or the authority of the Illinois Department of State Police to accept, analyze and maintain the specimen or to maintain or upload results of genetic marker grouping analysis information into a State or national database.

(Source: P.A. 91-528, eff. 1-1-00; 92-16, eff. 6-28-01; 92-40, eff. 6-29-01; 92-571, eff. 6-26-02; 92-600, eff. 6-28-02; 92-829, eff. 8-22-02; revised 9-19-02.)

(730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)

Sec. 5-9-1.7. Sexual assault fines.

(a) Definitions. The terms used in this Section shall have the following meanings ascribed to them:

(1) "Sexual assault" means the commission or attempted commission of the following: criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, indecent solicitation of a child, public indecency, sexual relations within families, soliciting for a juvenile prostitute, keeping a place of juvenile prostitution, patronizing a juvenile prostitute, juvenile pimping, exploitation of a child, obscenity, child pornography, or harmful material for a child, as those offenses are defined in the Criminal Code of 1961.

(2) "Family member" shall have the meaning ascribed to it in Section 12-12 of the Criminal Code of 1961.

(3) "Sexual assault organization" means any not-for-profit organization providing comprehensive, community-based services to victims of sexual assault. "Community-based services" include, but are not limited to, direct crisis intervention through a 24-hour response, medical and legal advocacy, counseling, information and referral services, training, and community education.

(b) Sexual assault fine; collection by clerk.

(1) In addition to any other penalty imposed, a fine of \$100 shall be imposed upon any person who pleads guilty or who is convicted of, or who receives a disposition of court supervision for, a sexual assault or attempt of a sexual assault. Upon request of the victim or the victim's representative, the court shall determine whether the fine will impose an undue burden on the victim of the offense. For purposes of this paragraph, the

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defendant may not be considered the victim's representative. If the court finds that the fine would impose an undue burden on the victim, the court may reduce or waive the fine. The court shall order that the defendant may not use funds belonging solely to the victim of the offense for payment of the fine.

(2) Sexual assault fines shall be assessed by the court imposing the sentence and shall be collected by the circuit clerk. The circuit clerk shall retain 10% of the penalty to cover the costs involved in administering and enforcing this Section. The circuit clerk shall remit the remainder of each fine within one month of its receipt to the State Treasurer for deposit as follows:

(i) for family member offenders, one-half to the Sexual Assault Services Fund, and one-half to the Domestic Violence Shelter and Service Fund; and

(ii) for other than family member offenders, the full amount to the Sexual Assault Services Fund.

(c) Sexual Assault Services Fund; administration. There is created a Sexual Assault Services Fund. Moneys deposited into the Fund under this Section shall be appropriated to the Department of Public Health. Upon appropriation of moneys from the Sexual Assault Services Fund, the Department of Public Health shall make grants of these moneys from the Fund to sexual assault organizations with whom the Department has contracts for the purpose of providing community-based services to victims of sexual assault. Grants made under this Section are in addition to, and are not substitutes for, other grants authorized and made by the Department.

(Source: P.A. 88-45; 89-428, eff. 12-13-95; 89-462, eff. 5-29-96.)

Section 30. The Sex Offender Registration Act is amended by changing Section 2 as follows:

(730 ILCS 150/2) (from Ch. 38, par. 222)

Sec. 2. Definitions.

(A) As used in this Article, "sex offender" means any person who is:

(1) charged pursuant to Illinois law, or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law, with a sex offense set forth in subsection (B) of this Section or the attempt to commit an included sex offense, and:

(a) is convicted of such offense or an attempt to commit such offense; or

(b) is found not guilty by reason of insanity of such offense or an attempt to commit such offense; or

(c) is found not guilty by reason of insanity pursuant to Section 104-25(c) of the Code of Criminal Procedure of 1963 of such offense or an attempt to commit such offense; or

(d) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to Section 104-25(a) of the Code of Criminal Procedure of 1963 for the alleged commission or attempted commission of such offense; or

(e) is found not guilty by reason of insanity following a hearing conducted pursuant to a federal, Uniform Code of Military Justice, sister state, or foreign country law substantially similar to Section 104-25(c) of the Code of Criminal Procedure of 1963 of such offense or of the attempted commission of such offense; or

(f) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to a federal,

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Uniform Code of Military Justice, sister state, or foreign country law substantially similar to Section 104-25(a) of the Code of Criminal Procedure of 1963 for the alleged violation or attempted commission of such offense; or

(2) certified as a sexually dangerous person pursuant to the Illinois Sexually Dangerous Persons Act, or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or

(3) subject to the provisions of Section 2 of the Interstate Agreements on Sexually Dangerous Persons Act; or

(4) found to be a sexually violent person pursuant to the Sexually Violent Persons Commitment Act or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or

(5) adjudicated a juvenile delinquent as the result of committing or attempting to commit an act which, if committed by an adult, would constitute any of the offenses specified in item (B), (C), or (C-5) of this Section or a violation of any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law, or found guilty under Article V of the Juvenile Court Act of 1987 of committing or attempting to commit an act which, if committed by an adult, would constitute any of the offenses specified in item (B), (C), or (C-5) of this Section or a violation of any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law.

Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be counted for the purpose of this Article as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this Article.

For purposes of this Section, "convicted" shall have the same meaning as "adjudicated".

(B) As used in this Article, "sex offense" means:

(1) A violation of any of the following Sections of the Criminal Code of 1961:

- 11-20.1 (child pornography),
- 11-6 (indecent solicitation of a child),
- 11-6.1 (illegal solicitation of a child),
- 11-9.1 (sexual exploitation of a child),
- 11-15.1 (soliciting for a juvenile prostitute),
- 11-18.1 (patronizing a juvenile prostitute),
- 11-17.1 (keeping a place of juvenile prostitution),
- 11-19.1 (juvenile pimping),
- 11-19.2 (exploitation of a child),
- 12-13 (criminal sexual assault),
- 12-14 (aggravated criminal sexual assault),
- 12-14.1 (predatory criminal sexual assault of a child),
- 12-15 (criminal sexual abuse),
- 12-16 (aggravated criminal sexual abuse),
- 12-33 (ritualized abuse of a child).

An attempt to commit any of these offenses.

(1.5) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age, the defendant is not a parent of the victim, and the offense was committed on or after January 1, 1996:

- 10-1 (kidnapping),
- 10-2 (aggravated kidnapping),
- 10-3 (unlawful restraint),
- 10-3.1 (aggravated unlawful restraint).

An attempt to commit any of these offenses.

(1.6) First degree murder under Section 9-1 of the Criminal Code of 1961, when the victim was a person under 18 years of age, the defendant was at least 17 years of age at the time of the commission of the offense, and the offense was committed on or after June 1, 1996.

(1.7) (Blank).

(1.8) A violation or attempted violation of Section 11-11 (sexual relations within families) of the Criminal Code of 1961, and the offense was committed on or after June 1, 1997.

(1.9) Child abduction under paragraph (10) of subsection (b) of Section 10-5 of the Criminal Code of 1961 committed by luring or attempting to lure a child under the age of 16 into a motor vehicle, building, house trailer, or dwelling place without the consent of the parent or lawful custodian of the child for other than a lawful purpose and the offense was committed on or after January 1, 1998.

(1.10) A violation or attempted violation of any of the following Sections of the Criminal Code of 1961 when the offense was committed on or after July 1, 1999:

10-4 (forcible detention, if the victim is under 18 years of age),

11-6.5 (indecent solicitation of an adult),

11-15 (soliciting for a prostitute, if the victim is under 18 years of age),

11-16 (pandering, if the victim is under 18 years of age),

11-18 (patronizing a prostitute, if the victim is under 18 years of age),

11-19 (pimping, if the victim is under 18 years of age).

(1.11) A violation or attempted violation of any of the following Sections of the Criminal Code of 1961 when the offense was committed on or after the effective date of this amendatory Act of the 92nd General Assembly:

11-9 (public indecency for a third or subsequent conviction),

11-9.2 (custodial sexual misconduct).

(1.12) A violation or attempted violation of Section 5.1 of the Wrongs to Children Act (permitting sexual abuse) when the offense was committed on or after the effective date of this amendatory Act of the 92nd General Assembly.

(2) A violation of any former law of this State substantially equivalent to any offense listed in subsection (B) of this Section.

(C) A conviction for an offense of federal law, Uniform Code of Military Justice, or the law of another state or a foreign country that is substantially equivalent to any offense listed in subsections (B), (C), and (E) of this Section shall constitute a conviction for the purpose of this Article. A finding or adjudication as a sexually dangerous person or a sexually violent person under any federal law, Uniform Code of Military Justice, or the law of another state or foreign country that is substantially equivalent to the Sexually Dangerous Persons Act or the Sexually Violent Persons Commitment Act shall constitute an adjudication for the purposes of this Article.

(C-5) A person at least 17 years of age at the time of the commission of the offense who is convicted of first degree murder under Section 9-1 of the Criminal Code of 1961, committed on or after June 1, 1996 against a person under 18 years of age, shall be required to register for natural life. A conviction for an offense of

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federal, Uniform Code of Military Justice, sister state, or foreign country law that is substantially equivalent to any offense listed in subsection (C-5) of this Section shall constitute a conviction for the purpose of this Article.

(D) As used in this Article, "law enforcement agency having jurisdiction" means the Chief of Police in each of the municipalities in which the sex offender expects to reside, work, or attend school (1) upon his or her discharge, parole or release or (2) during the service of his or her sentence of probation or conditional discharge, or the Sheriff of the county, in the event no Police Chief exists or if the offender intends to reside, work, or attend school in an unincorporated area. "Law enforcement agency having jurisdiction" includes the location where out-of-state students attend school and where out-of-state employees are employed or are otherwise required to register.

(E) As used in this Article, "sexual predator" means any person who, after July 1, 1999, is:

(1) Convicted for an offense of federal, Uniform Code of Military Justice, sister state, or foreign country law that is substantially equivalent to any offense listed in subsection (E) of this Section shall constitute a conviction for the purpose of this Article. Convicted of a violation or attempted violation of any of the following Sections of the Criminal Code of 1961, if the conviction occurred after July 1, 1999:

- 11-17.1 (keeping a place of juvenile prostitution),
- 11-19.1 (juvenile pimping),
- 11-19.2 (exploitation of a child),
- 11-20.1 (child pornography),
- 12-13 (criminal sexual assault, if the victim is a person under 12 years of age),
- 12-14 (aggravated criminal sexual assault),
- 12-14.1 (predatory criminal sexual assault of a child),
- 12-16 (aggravated criminal sexual abuse),
- 12-33 (ritualized abuse of a child); or

(2) convicted of first degree murder under Section 9-1 of the Criminal Code of 1961, when the victim was a person under 18 years of age and the defendant was at least 17 years of age at the time of the commission of the offense; or

(3) certified as a sexually dangerous person pursuant to the Sexually Dangerous Persons Act or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or

(4) found to be a sexually violent person pursuant to the Sexually Violent Persons Commitment Act or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or

(5) convicted of a second or subsequent offense which requires registration pursuant to this Act. The conviction for the second or subsequent offense must have occurred after July 1, 1999. For purposes of this paragraph (5), "convicted" shall include a conviction under any substantially similar Illinois, federal, Uniform Code of Military Justice, sister state, or foreign country law.

(F) As used in this Article, "out-of-state student" means any sex offender, as defined in this Section, or sexual predator who is enrolled in Illinois, on a full-time or part-time basis, in any public or private educational institution, including, but not limited to, any secondary school, trade or professional institution, or institution of higher learning.

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(G) As used in this Article, "out-of-state employee" means any sex offender, as defined in this Section, or sexual predator who works in Illinois, regardless of whether the individual receives payment for services performed, for a period of time of 10 or more days or for an aggregate period of time of 30 or more days during any calendar year. Persons who operate motor vehicles in the State accrue one day of employment time for any portion of a day spent in Illinois.

(Source: P.A. 91-48, eff. 7-1-99; 92-828, eff. 8-22-02.)

Section 99. Effective date. This Act takes effect upon becoming law."

The motion prevailed and the amendment was adopted and ordered printed.

Senator O'Malley offered the following amendment and moved its adoption:

AMENDMENT NO. 5

AMENDMENT NO. 5. Amend House Bill 3717, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 4, as follows:

on page 7, by deleting lines 7 through 11; and
on page 7, line 12, by replacing "(e)" with "(d)"; and
on page 35, line 25, lines 27 and 28, and lines 29 and 30, by replacing "a photograph, videotape, or digital image" each time it appears with "child erotica" as defined in subsection (f) of Section 11-20.1 of this Code".

The motion prevailed and the amendment was adopted and ordered printed.

And House Bill No. 3717, as amended, was returned to the order of third reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Philip, House Bill No. 4047 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

The following voted in the affirmative:

Bomke
Brady
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Geo-Karis
Haine
Halvorson
Hawkinson

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Hendon
 Jacobs
 Jones, E.
 Jones, W.
 Karpel
 Klemm
 Lauzen
 Lightford
 Link
 Madigan
 Mahar
 Molaro
 Munoz
 Myers
 Noland
 O'Daniel
 O'Malley
 O'Shea
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Rupley
 Shadid
 Shaw
 Sieben
 Silverstein
 Stone
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

This bill, having received the vote of three-fifths of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Bomke, House Bill No. 4446 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays None.

The following voted in the affirmative:

Bomke
 Brady

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Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Geo-Karis
Haine
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpel
Klemm
Lauzen
Lightford
Link
Madigan
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
O'Shea
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Rupley
Shadid
Shaw
Sieben
Silverstein
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh
Watson
Weaver
Welch
Woolard
Mr. President

This bill, having received the vote of three-fifths of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the title be as aforesaid, and that the Secretary

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inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Dillard, House Bill No. 5218 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

The following voted in the affirmative:

Bomke
 Brady
 Burzynski
 Clayborne
 Cronin
 Cullerton
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Geo-Karis
 Haine
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, E.
 Jones, W.
 Karpel
 Klemm
 Lauzen
 Lightford
 Link
 Madigan
 Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 O'Shea
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Rupley
 Shadid
 Shaw
 Sieben
 Silverstein
 Sullivan
 Syverson

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Trotter
 Viverito
 Walsh
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

At the hour of 3:04 o'clock p.m., Senator Noland presiding.

HOUSE BILL RECALLED

On motion of Senator Roskam, House Bill No. 5657 was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 2 was held in the Committee on Rules.

Senator Roskam offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 5657, AS AMENDED, by replacing the title with the following:

"AN ACT in relation to criminal matters."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Police Training Act is amended by changing Section 6.1 as follows:

(50 ILCS 705/6.1)

Sec. 6.1. Decertification of full-time and part-time police officers.

(a) The Board must review police officer conduct and records to ensure that no police officer is certified or provided a valid waiver if that police officer has been:

(1) convicted of a felony offense under the laws of this State or any other state which if committed in this State would be punishable as a felony;

(2) ~~The Board must also ensure that no police officer is certified or provided a valid waiver if that police officer has been convicted on or after the effective date of this amendatory Act of 1999 of any misdemeanor specified in this Section or if committed in any other state would be an offense similar to Section 11-6, 11-9.1, 11-14, 11-17, 11-19, 12-2, 12-15, 16-1, 17-1, 17-2, 28-3, 29-1, 31-1, 31-6, 31-7, 32-4a, or 32-7 of the Criminal Code of 1961 or to Section 5 or 5.2 of the Cannabis Control Act; or~~

(3) the subject of an administrative determination, conducted pursuant to the rules and regulations of the law enforcement agency or department employing the police officer, of knowingly committing perjury in a criminal or quasicriminal proceeding. For the purposes of this subsection, "perjury" shall have the meaning as set forth in Section 32-2 of the Criminal Code of 1961.

The Board must appoint investigators to enforce the duties

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conferred upon the Board by this Act.

(b) It is the responsibility of the sheriff or the chief executive officer of every local law enforcement agency or department within this State to report to the Board any arrest, administrative determination of perjury, or conviction of any officer for an offense identified in this Section.

(c) It is the duty and responsibility of every full-time and part-time police officer in this State to report to the Board within 30 days, and the officer's sheriff or chief executive officer, of his or her arrest, administrative determination of perjury, or conviction for an offense identified in this Section. Any full-time or part-time police officer who knowingly makes, submits, causes to be submitted, or files a false or untruthful report to the Board must have his or her certificate or waiver immediately decertified or revoked.

(d) Any person, or a local or State agency, or the Board is immune from liability for submitting, disclosing, or releasing information of arrests, administrative determinations of perjury, or convictions in this Section as long as the information is submitted, disclosed, or released in good faith and without malice. The Board has qualified immunity for the release of the information.

(e) Any full-time or part-time police officer with a certificate or waiver issued by the Board who is convicted of any offense described in this Section or is subject to an administrative determination of perjury immediately becomes decertified or no longer has a valid waiver. The decertification and invalidity of waivers occurs as a matter of law. Failure of a convicted person to report to the Board his or her conviction as described in this Section or any continued law enforcement practice after receiving a conviction is a Class 4 felony.

(f) The Board's investigators are peace officers and have all the powers possessed by policemen in cities and by sheriff's, provided that the investigators may exercise those powers anywhere in the State, only after contact and cooperation with the appropriate local law enforcement authorities.

(g) The Board must request and receive information and assistance from any federal, state, or local governmental agency as part of the authorized criminal background investigation. The Department of State Police must process, retain, and additionally provide and disseminate information to the Board concerning criminal charges, arrests, convictions, and their disposition, that have been filed before, on, or after the effective date of this amendatory Act of the 91st General Assembly against a basic academy applicant, law enforcement applicant, or law enforcement officer whose fingerprint identification cards are on file or maintained by the Department of State Police. The Federal Bureau of Investigation must provide the Board any criminal history record information contained in its files pertaining to law enforcement officers or any applicant to a Board certified basic law enforcement academy as described in this Act based on fingerprint identification. The Board must make payment of fees to the Department of State Police for each fingerprint card submission in conformance with the requirements of paragraph 22 of Section 55a of the Civil Administrative Code of Illinois.

(Source: P.A. 91-495, eff. 1-1-00.)

Section 10. The Criminal Code of 1961 is amended by changing Section 9-1 as follows:

(720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

Sec. 9-1. First degree Murder - Death penalties - Exceptions - Separate Hearings - Proof - Findings - Appellate procedures - Reversals.

(a) A person who kills an individual without lawful

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justification commits first degree murder if, in performing the acts which cause the death:

(1) he either intends to kill or do great bodily harm to that individual or another, or knows that such acts will cause death to that individual or another; or

(2) he knows that such acts create a strong probability of death or great bodily harm to that individual or another; or

(3) he is attempting or committing a forcible felony other than second degree murder.

(b) Aggravating Factors. A defendant:

(i) who at the time of the commission of the offense has attained the age of 18 or more; and

(ii) and who has been found guilty of first degree murder;

may be sentenced to death if:

(1) the murdered individual was a peace officer or fireman killed in the course of performing his official duties, to prevent the performance of his official duties, or in retaliation for performing his official duties, and the defendant knew or should have known that the murdered individual was a peace officer or fireman; or

(2) the murdered individual was an employee of an institution or facility of the Department of Corrections, or any similar local correctional agency, killed in the course of performing his official duties, to prevent the performance of his official duties, or in retaliation for performing his official duties, or the murdered individual was an inmate at such institution or facility and was killed on the grounds thereof, or the murdered individual was otherwise present in such institution or facility with the knowledge and approval of the chief administrative officer thereof; or

(3) the defendant has been convicted of murdering two or more individuals under subsection (a) of this Section or under any law of the United States or of any state which is substantially similar to subsection (a) of this Section regardless of whether the deaths occurred as the result of the same act or of several related or unrelated acts so long as the deaths were the result of either an intent to kill more than one person or of separate acts which the defendant knew would cause death or create a strong probability of death or great bodily harm to the murdered individual or another; or

(4) the murdered individual was killed as a result of the hijacking of an airplane, train, ship, bus or other public conveyance; or

(5) the defendant committed the murder pursuant to a contract, agreement or understanding by which he was to receive money or anything of value in return for committing the murder or procured another to commit the murder for money or anything of value; or

(6) the murdered individual was killed in the course of another felony if:

(a) the murdered individual:

(i) was actually killed by the defendant, or

(ii) received physical injuries personally inflicted by the defendant substantially contemporaneously with physical injuries caused by one or more persons for whose conduct the defendant is legally accountable under Section 5-2 of this Code, and the physical injuries inflicted by either the defendant or the other person or persons for whose conduct he is

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legally accountable caused the death of the murdered individual; and

(b) in performing the acts which caused the death of the murdered individual or which resulted in physical injuries personally inflicted by the defendant on the murdered individual under the circumstances of subdivision (ii) of subparagraph (a) of paragraph (6) of subsection (b) of this Section, the defendant acted with the intent to kill the murdered individual or with the knowledge that his acts created a strong probability of death or great bodily harm to the murdered individual or another; and

(c) the other felony was one of the following: armed robbery, armed violence, robbery, predatory criminal sexual assault of a child, aggravated criminal sexual assault, aggravated kidnapping, aggravated vehicular hijacking, forcible detention, arson, aggravated arson, aggravated stalking, burglary, residential burglary, home invasion, calculated criminal drug conspiracy as defined in Section 405 of the Illinois Controlled Substances Act, streetgang criminal drug conspiracy as defined in Section 405.2 of the Illinois Controlled Substances Act, or the attempt to commit any of the felonies listed in this subsection (c); or

(7) the murdered individual was under 12 years of age and the death resulted from exceptionally brutal or heinous behavior indicative of wanton cruelty; or

(8) the defendant committed the murder with intent to prevent the murdered individual from testifying in any criminal prosecution or giving material assistance to the State in any investigation or prosecution, either against the defendant or another; or the defendant committed the murder because the murdered individual was a witness in any prosecution or gave material assistance to the State in any investigation or prosecution, either against the defendant or another; or

(9) the defendant, while committing an offense punishable under Sections 401, 401.1, 401.2, 405, 405.2, 407 or 407.1 or subsection (b) of Section 404 of the Illinois Controlled Substances Act, or while engaged in a conspiracy or solicitation to commit such offense, intentionally killed an individual or counseled, commanded, induced, procured or caused the intentional killing of the murdered individual; or

(10) the defendant was incarcerated in an institution or facility of the Department of Corrections at the time of the murder, and while committing an offense punishable as a felony under Illinois law, or while engaged in a conspiracy or solicitation to commit such offense, intentionally killed an individual or counseled, commanded, induced, procured or caused the intentional killing of the murdered individual; or

(11) the murder was committed in a cold, calculated and premeditated manner pursuant to a preconceived plan, scheme or design to take a human life by unlawful means, and the conduct of the defendant created a reasonable expectation that the death of a human being would result therefrom; or

(12) the murdered individual was an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel, employed by a municipality or other governmental unit, killed in the course of performing his official duties, to prevent the performance of his official duties, or in retaliation for performing his official duties, and the defendant knew or should

have known that the murdered individual was an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel; or

(13) the defendant was a principal administrator, organizer, or leader of a calculated criminal drug conspiracy consisting of a hierarchical position of authority superior to that of all other members of the conspiracy, and the defendant counseled, commanded, induced, procured, or caused the intentional killing of the murdered person; or

(14) the murder was intentional and involved the infliction of torture. For the purpose of this Section torture means the infliction of or subjection to extreme physical pain, motivated by an intent to increase or prolong the pain, suffering or agony of the victim; or

(15) the murder was committed as a result of the intentional discharge of a firearm by the defendant from a motor vehicle and the victim was not present within the motor vehicle; or

(16) the murdered individual was 60 years of age or older and the death resulted from exceptionally brutal or heinous behavior indicative of wanton cruelty; or

(17) the murdered individual was a disabled person and the defendant knew or should have known that the murdered individual was disabled. For purposes of this paragraph (17), "disabled person" means a person who suffers from a permanent physical or mental impairment resulting from disease, an injury, a functional disorder, or a congenital condition that renders the person incapable of adequately providing for his or her own health or personal care; or

(18) the murder was committed by reason of any person's activity as a community policing volunteer or to prevent any person from engaging in activity as a community policing volunteer; or

(19) the murdered individual was subject to an order of protection and the murder was committed by a person against whom the same order of protection was issued under the Illinois Domestic Violence Act of 1986; or

(20) the murdered individual was known by the defendant to be a teacher or other person employed in any school and the teacher or other employee is upon the grounds of a school or grounds adjacent to a school, or is in any part of a building used for school purposes.

(c) Consideration of factors in aggravation and mitigation.

The court shall also consider, or shall also instruct the jury to consider any aggravating and any mitigating factors which are relevant to the imposition of the death penalty. Aggravating factors may include but need not be limited to those factors set forth in subsection (b). Mitigating factors may include but need not be limited to the following:

(1) the defendant has no significant history of prior criminal activity;

(2) the murder was committed while the defendant was under the influence of extreme mental or emotional disturbance, although not such as to constitute a defense to prosecution;

(3) the murdered individual was a participant in the defendant's homicidal conduct or consented to the homicidal act;

(4) the defendant acted under the compulsion of threat or menace of the imminent infliction of death or great bodily harm;

(5) the defendant was not personally present during

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commission of the act or acts causing death.

(d) Separate sentencing hearing.

Where requested by the State, the court shall conduct a separate sentencing proceeding to determine the existence of factors set forth in subsection (b) and to consider any aggravating or mitigating factors as indicated in subsection (c). The proceeding shall be conducted:

(1) before the jury that determined the defendant's guilt;

or

(2) before a jury impanelled for the purpose of the proceeding if:

A. the defendant was convicted upon a plea of guilty;

or

B. the defendant was convicted after a trial before the court sitting without a jury; or

C. the court for good cause shown discharges the jury that determined the defendant's guilt; or

(3) before the court alone if the defendant waives a jury for the separate proceeding.

(e) Evidence and Argument.

During the proceeding any information relevant to any of the factors set forth in subsection (b) may be presented by either the State or the defendant under the rules governing the admission of evidence at criminal trials. Any information relevant to any additional aggravating factors or any mitigating factors indicated in subsection (c) may be presented by the State or defendant regardless of its admissibility under the rules governing the admission of evidence at criminal trials. The State and the defendant shall be given fair opportunity to rebut any information received at the hearing.

(f) Proof.

The burden of proof of establishing the existence of any of the factors set forth in subsection (b) is on the State and shall not be satisfied unless established beyond a reasonable doubt.

(g) Procedure - Jury.

If at the separate sentencing proceeding the jury finds that none of the factors set forth in subsection (b) exists, the court shall sentence the defendant to a term of imprisonment under Chapter V of the Unified Code of Corrections. If there is a unanimous finding by the jury that one or more of the factors set forth in subsection (b) exist, the jury shall consider aggravating and mitigating factors as instructed by the court and shall determine whether the sentence of death shall be imposed. If the issue is raised by the defendant, the jury shall also determine whether the defendant is mentally retarded as defined by Section 5-2-7 of the Unified Code of Corrections. If the jury determines unanimously that there are no mitigating factors sufficient to preclude the imposition of the death sentence, the court shall sentence the defendant to death. If the jury determines that the defendant is mentally retarded, the court shall sentence the defendant to a term of imprisonment under Chapter V of the Unified Code of Corrections.

Unless the jury unanimously finds that there are no mitigating factors sufficient to preclude the imposition of the death sentence the court shall sentence the defendant to a term of imprisonment under Chapter V of the Unified Code of Corrections.

(h) Procedure - No Jury.

In a proceeding before the court alone, if the court finds that none of the factors found in subsection (b) exists, the court shall sentence the defendant to a term of imprisonment under Chapter V of the Unified Code of Corrections.

If the Court determines that one or more of the factors set forth in subsection (b) exists, the Court shall consider any aggravating and mitigating factors as indicated in subsection (c). If the Court determines that there are no mitigating factors sufficient to preclude the imposition of the death sentence, the Court shall sentence the defendant to death. If the court determines that the defendant is mentally retarded as defined by Section 5-2-7 of the Unified Code of Corrections after the issue has been raised by the defendant, the court shall sentence the defendant to a term of imprisonment under Chapter V of the Unified Code of Corrections.

Unless the court finds that there are no mitigating factors sufficient to preclude the imposition of the sentence of death, the court shall sentence the defendant to a term of imprisonment under Chapter V of the Unified Code of Corrections.

(i) Appellate Procedure.

The conviction and sentence of death shall be subject to automatic review by the Supreme Court. Such review shall be in accordance with rules promulgated by the Supreme Court. In addition to any procedural grounds for relief from the death sentence that may otherwise be authorized by law, the Supreme Court shall, for a first degree murder committed on or after the effective date of this amendatory Act of the 92nd General Assembly in which the death penalty is imposed, have the authority to overturn the death sentence, and order the imposition of a term of life imprisonment under Chapter V of the Unified Code of Corrections, if it finds that the death sentence is fundamentally unjust as applied to the particular case. A finding that a particular death sentence was fundamentally unjust means that upon an examination of the entire record, including the circumstances of the crime or the character of the defendant, it is determined that the death penalty should not be imposed in the particular case. Such a determination does not mean that any of the defendant's procedural rights were violated. If the Supreme Court finds that the death sentence is fundamentally unjust as applied to the particular case, independent of any procedural grounds for relief, it shall issue a written opinion explaining this finding, but in no event shall such a finding serve as precedent for the appellate review of any other case in which a sentence of death is imposed.

(j) Disposition of reversed death sentence.

In the event that the death penalty in this Act is held to be unconstitutional by the Supreme Court of the United States or of the State of Illinois, any person convicted of first degree murder shall be sentenced by the court to a term of imprisonment under Chapter V of the Unified Code of Corrections.

In the event that any death sentence pursuant to the sentencing provisions of this Section is declared unconstitutional by the Supreme Court of the United States or of the State of Illinois, the court having jurisdiction over a person previously sentenced to death shall cause the defendant to be brought before the court, and the court shall sentence the defendant to a term of imprisonment under Chapter V of the Unified Code of Corrections.

(Source: P.A. 90-213, eff. 1-1-98; 90-651, eff. 1-1-99; 90-668, eff. 1-1-99; 91-357, eff. 7-29-99; 91-434, eff. 1-1-00.)

Section 15. The Code of Criminal Procedure of 1963 is amended by changing Sections 114-13, 116-3, 122-1, 122-2, and 122-3 and by adding Sections 114-15 and 122-6.1 as follows:

(725 ILCS 5/114-13) (from Ch. 38, par. 114-13)

Sec. 114-13. Discovery in criminal cases.

(a) Discovery procedures in criminal cases shall be in accordance with Supreme Court Rules.

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(b) Any investigative, law enforcement, or other agency responsible for investigating any felony offense or participating in an investigation of any felony offense shall provide to the authority prosecuting the offense all reports that have been generated by or have come into the possession of the investigating agency concerning the offense being investigated. In addition, the investigating agency shall provide to the prosecuting authority any material or information within its possession or control that would tend to negate the guilt of the accused of the offense charged or reduce his or her punishment for the offense. Every investigative and law enforcement agency in this State shall adopt policies to ensure compliance with these provisions.

(Source: Laws 1963, p. 2836.)

(725 ILCS 5/114-15 new)

Sec. 114-15. Motion for genetic marker groupings comparison analysis.

(a) Upon a defendant's pre-trial motion, a court may order a comparison analysis by the Department of State Police with those genetic marker groupings maintained under subsection (f) of Section 5-4-3 of the Unified Code of Corrections if the defendant meets all of the following requirements:

(1) The defendant shows good cause.

(2) The defendant is charged with any offense.

(3) The defendant seeks for the Department of State Police to identify genetic marker groupings from evidence collected by criminal justice agencies or the defendant pursuant to the alleged offense.

(4) The defendant seeks comparison analysis of genetic marker groupings of the evidence under subdivision (3) to those of the defendant, to those of other forensic evidence, and to those maintained under subsection (f) of Section 5-4-3 of the Unified Code of Corrections.

(5) Genetic marker grouping analysis must be performed by a laboratory compliant with the quality assurance standards required by the Department of State Police for genetic marker grouping analysis comparisons.

(6) Reasonable notice of the motion shall be served upon the State.

(b) The Department of State Police may promulgate rules for the types of comparisons performed and the quality assurance standards required for submission of genetic marker groupings. The provisions of the Administrative Review Law shall apply to all actions taken under the rules so promulgated.

(725 ILCS 5/116-3)

Sec. 116-3. Motion for fingerprint or forensic testing not available at trial regarding actual innocence.

(a) A defendant may make a motion before the trial court that entered the judgment of conviction in his or her case for the performance of fingerprint or forensic DNA testing, including comparison analysis of genetic marker groupings of the evidence collected by criminal justice agencies pursuant to the alleged offense, to those of the defendant, to those of other forensic evidence, and to those maintained under subsection (f) of Section 5-4-3 of the Unified Code of Corrections, on evidence that was secured in relation to the trial which resulted in his or her conviction, but which was not subject to the testing which is now requested because the technology for the testing was not available at the time of trial. Reasonable notice of the motion shall be served upon the State.

(b) The defendant must present a prima facie case that:

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(1) identity was the issue in the trial which resulted in his or her conviction; and

(2) the evidence to be tested has been subject to a chain of custody sufficient to establish that it has not been substituted, tampered with, replaced, or altered in any material aspect.

(c) The trial court shall allow the testing under reasonable conditions designed to protect the State's interests in the integrity of the evidence and the testing process upon a determination that:

(1) the result of the testing has the scientific potential to produce new, noncumulative evidence materially relevant to the defendant's assertion of actual innocence;

(2) the testing requested employs a scientific method generally accepted within the relevant scientific community.
(Source: P.A. 90-141, eff. 1-1-98.)

(725 ILCS 5/122-1) (from Ch. 38, par. 122-1)

Sec. 122-1. Petition in the trial court.

(a) Any person imprisoned in the penitentiary who asserts that in the proceedings which resulted in his or her conviction there was a substantial denial of his or her rights under the Constitution of the United States or of the State of Illinois or both may institute a proceeding under this Article. Under the Constitution of the State of Illinois, an assertion of substantial denial of rights pursuant to this Article includes, but is not limited to, an independent claim of actual innocence based on newly discovered evidence.

(b) The proceeding shall be commenced by filing with the clerk of the court in which the conviction took place a petition (together with a copy thereof) verified by affidavit. Petitioner shall also serve another copy upon the State's Attorney by any of the methods provided in Rule 7 of the Supreme Court. The clerk shall docket the petition for consideration by the court pursuant to Section 122-2.1 upon his or her receipt thereof and bring the same promptly to the attention of the court.

(c) A proceeding on an independent claim of actual innocence based on newly discovered evidence must be commenced within 2 years after the discovery of the new evidence by the defendant. No other proceedings under this Article shall be commenced more than 6 months after the denial of a petition for leave to appeal or the date for filing such a petition if none is filed or more than 45 days after the defendant files his or her brief in the appeal of the sentence before the Illinois Supreme Court (or more than 45 days after the deadline for the filing of the defendant's brief with the Illinois Supreme Court if no brief is filed) or 3 years from the date of conviction, whichever is sooner, unless the petitioner alleges facts showing that the delay was not due to his or her culpable negligence.

(d) A person seeking relief by filing a petition under this Section must specify in the petition or its heading that it is filed under this Section. A trial court that has received a petition complaining of a conviction or sentence that fails to specify in the petition or its heading that it is filed under this Section need not evaluate the petition to determine whether it could otherwise have stated some grounds for relief under this Article.

(e) A proceeding under this Article may not be commenced on behalf of a defendant who has been sentenced to death without the written consent of the defendant, unless the defendant, because of a mental or physical condition, is incapable of asserting his or her own claim.

(Source: P.A. 89-284, eff. 1-1-96; 89-609, eff. 1-1-97; 89-684, eff. 6-1-97; 90-14, eff. 7-1-97.)

(725 ILCS 5/122-2) (from Ch. 38, par. 122-2)

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Sec. 122-2. Contents of petition.

The petition shall identify the proceeding in which the petitioner was convicted, give the date of the rendition of the final judgment complained of, and clearly set forth the respects in which petitioner's constitutional rights were violated. If the petition asserts an independent claim of actual innocence based on newly discovered evidence, it must set forth the nature of the evidence and demonstrate that: (i) the new evidence was discovered since the defendant's trial; and (ii) the new evidence could not have been discovered prior to trial by the exercise of due diligence. The petition shall have attached thereto affidavits, records, or other evidence supporting its allegations or shall state why the same are not attached. The petition shall identify any previous proceedings that the petitioner may have taken to secure relief from his conviction. Argument and citations and discussion of authorities shall be omitted from the petition.

(Source: Laws 1963, p. 2836.)

(725 ILCS 5/122-3) (from Ch. 38, par. 122-3)

Sec. 122-3. Waiver of claims.

Any claim of substantial denial of constitutional rights not raised in the original or an amended petition is waived. This provision does not apply to independent claims of actual innocence based on newly discovered evidence.

(Source: Laws 1963, p. 2836.)

(725 ILCS 5/122-6.1 new)

Sec. 122-6.1. Actual innocence hearing.

(a) At a hearing on a petition that asserts an independent claim of actual innocence based on newly discovered evidence, the burden is on the defendant to prove his or her actual innocence. At no time in such a hearing shall the defendant be entitled to a presumption of innocence. It is presumed that the verdict rendered at the trial in which the defendant was convicted was correct, and the burden is on the defendant to rebut this presumption.

(b) The defendant, at an actual innocence hearing, must prove his or her actual innocence by clear and convincing evidence.

(c) In an actual innocence hearing, the court shall make a determination about the reliability and admissibility of the newly discovered evidence. Only if the court finds that the evidence of the defendant's actual innocence is clear and convincing and of such a conclusive character that it would likely change the result of the defendant's trial shall the court order a new trial for the defendant.

Section 20. The Capital Crimes Litigation Act is amended by changing Sections 15 and 19 as follows:

(725 ILCS 124/15)

(Section scheduled to be repealed on July 1, 2004)

Sec. 15. Capital Litigation Trust Fund.

(a) The Capital Litigation Trust Fund is created as a special fund in the State Treasury. The Trust Fund shall be administered by the State Treasurer to provide moneys for the appropriations to be made, grants to be awarded, and compensation and expenses to be paid under this Act. All interest earned from the investment or deposit of moneys accumulated in the Trust Fund shall, under Section 4.1 of the State Finance Act, be deposited into the Trust Fund.

(b) Moneys deposited into the Trust Fund shall not be considered general revenue of the State of Illinois.

(c) Moneys deposited into the Trust Fund shall be used exclusively for the purposes of providing funding for the prosecution and defense of capital cases as provided in this Act and shall not be appropriated, loaned, or in any manner transferred to the General

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Revenue Fund of the State of Illinois.

(d) Every fiscal year the State Treasurer shall transfer from the General Revenue Fund to the Capital Litigation Trust Fund an amount equal to the full amount of moneys appropriated by the General Assembly (both by original and supplemental appropriation), less any unexpended balance from the previous fiscal year, from the Capital Litigation Trust Fund for the specific purpose of making funding available for the prosecution and defense of capital cases. The Public Defender and State's Attorney in Cook County, the State Appellate Defender, the State's Attorneys Appellate Prosecutor, and the Attorney General shall make annual requests for appropriations from the Trust Fund.

(1) The Public Defender in Cook County shall request appropriations to the State Treasurer for expenses incurred by the Public Defender and for funding for private appointed defense counsel in Cook County.

(2) The State's Attorney in Cook County shall request an appropriation to the State Treasurer for expenses incurred by the State's Attorney.

(3) The State Appellate Defender shall request a direct appropriation from the Trust Fund for expenses incurred by the State Appellate Defender in providing assistance to trial attorneys under item (c)(5) of Section 10 of the State Appellate Defender Act and an appropriation to the State Treasurer for payments from the Trust Fund for the defense of cases in counties other than Cook County.

(4) The State's Attorneys Appellate Prosecutor shall request a direct appropriation from the Trust Fund to pay expenses incurred by the State's Attorneys Appellate Prosecutor and an appropriation to the State Treasurer for payments from the Trust Fund for expenses incurred by State's Attorneys in counties other than Cook County.

(5) The Attorney General shall request a direct appropriation from the Trust Fund to pay expenses incurred by the Attorney General in assisting the State's Attorneys in counties other than Cook County.

The Public Defender and State's Attorney in Cook County, the State Appellate Defender, the State's Attorneys Appellate Prosecutor, and the Attorney General may each request supplemental appropriations from the Trust Fund during the fiscal year.

(e) Moneys in the Trust Fund shall be expended only as follows:

(1) To pay the State Treasurer's costs to administer the Trust Fund. The amount for this purpose may not exceed 5% in any one fiscal year of the amount otherwise appropriated from the Trust Fund in the same fiscal year.

(2) To pay the capital litigation expenses of trial defense including, but not limited to, DNA testing, analysis, and expert testimony, investigatory and other assistance, expert, forensic, and other witnesses, and mitigation specialists, and grants and aid provided to public defenders or assistance to attorneys who have been appointed by the court to represent defendants who are charged with capital crimes.

(3) To pay the compensation of trial attorneys, other than public defenders, who have been appointed by the court to represent defendants who are charged with capital crimes.

(4) To provide State's Attorneys with funding for capital litigation expenses including, but not limited to, investigatory and other assistance and expert, forensic, and other witnesses necessary to prosecute capital cases. State's Attorneys in any county other than Cook County seeking funding for capital

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litigation expenses including, but not limited to, investigatory and other assistance and expert, forensic, or other witnesses under this Section may request that the State's Attorneys Appellate Prosecutor or the Attorney General, as the case may be, certify the expenses as reasonable, necessary, and appropriate for payment from the Trust Fund, on a form created by the State Treasurer. Upon certification of the expenses and delivery of the certification to the State Treasurer, the Treasurer shall pay the expenses directly from the Capital Litigation Trust Fund if there are sufficient moneys in the Trust Fund to pay the expenses.

(5) To provide financial support through the Attorney General pursuant to the Attorney General Act for the several county State's Attorneys outside of Cook County, but shall not be used to increase personnel for the Attorney General's Office.

(6) To provide financial support through the State's Attorneys Appellate Prosecutor pursuant to the State's Attorneys Appellate Prosecutor's Act for the several county State's Attorneys outside of Cook County, but shall not be used to increase personnel for the State's Attorneys Appellate Prosecutor.

(7) To provide financial support to the State Appellate Defender pursuant to the State Appellate Defender Act.

Moneys expended from the Trust Fund shall be in addition to county funding for Public Defenders and State's Attorneys, and shall not be used to supplant or reduce ordinary and customary county funding.

(f) Moneys in the Trust Fund shall be appropriated to the State Appellate Defender, the State's Attorneys Appellate Prosecutor, the Attorney General, and the State Treasurer. The State Appellate Defender shall receive an appropriation from the Trust Fund to enable it to provide assistance to appointed defense counsel throughout the State and to Public Defenders in counties other than Cook. The State's Attorneys Appellate Prosecutor and the Attorney General shall receive appropriations from the Trust Fund to enable them to provide assistance to State's Attorneys in counties other than Cook County. Moneys shall be appropriated to the State Treasurer to enable the Treasurer (i) to make grants to Cook County, (ii) to pay the expenses of Public Defenders and State's Attorneys in counties other than Cook County, (iii) to pay the expenses and compensation of appointed defense counsel in counties other than Cook County, and (iv) to pay the costs of administering the Trust Fund. All expenditures and grants made from the Trust Fund shall be subject to audit by the Auditor General.

(g) For Cook County, grants from the Trust Fund shall be made and administered as follows:

(1) For each State fiscal year, the State's Attorney and Public Defender must each make a separate application to the State Treasurer for capital litigation grants.

(2) The State Treasurer shall establish rules and procedures for grant applications. The rules shall require the Cook County Treasurer as the grant recipient to report on a periodic basis to the State Treasurer how much of the grant has been expended, how much of the grant is remaining, and the purposes for which the grant has been used. The rules may also require the Cook County Treasurer to certify on a periodic basis that expenditures of the funds have been made for expenses that are reasonable, necessary, and appropriate for payment from the Trust Fund.

(3) The State Treasurer shall make the grants to the Cook

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County Treasurer as soon as possible after the beginning of the State fiscal year.

(4) The State's Attorney or Public Defender may apply for supplemental grants during the fiscal year.

(5) Grant moneys shall be paid to the Cook County Treasurer in block grants and held in separate accounts for the State's Attorney, the Public Defender, and court appointed defense counsel other than the Cook County Public Defender, respectively, for the designated fiscal year, and are not subject to county appropriation.

(6) Expenditure of grant moneys under this subsection (g) is subject to audit by the Auditor General.

(7) The Cook County Treasurer shall immediately make payment from the appropriate separate account in the county treasury for capital litigation expenses to the State's Attorney, Public Defender, or court appointed defense counsel other than the Public Defender, as the case may be, upon order of the State's Attorney, Public Defender or the court, respectively.

(h) If a defendant in a capital case in Cook County is represented by court appointed counsel other than the Cook County Public Defender, the appointed counsel shall petition the court for an order directing the Cook County Treasurer to pay the court appointed counsel's reasonable and necessary compensation and capital litigation expenses from grant moneys provided from the Trust Fund. These petitions shall be considered in camera. Orders denying petitions for compensation or expenses are final. Counsel may not petition for expenses that may have been provided or compensated by the State Appellate Defender under item (c)(5) of Section 10 of the State Appellate Defender Act.

(i) In counties other than Cook County, and excluding capital litigation expenses or services that may have been provided by the State Appellate Defender under item (c)(5) of Section 10 of the State Appellate Defender Act:

(1) Upon certification by the circuit court, on a form created by the State Treasurer, that all or a portion of the expenses are reasonable, necessary, and appropriate for payment from the Trust Fund and the court's delivery of the certification to the Treasurer, the Treasurer shall pay the certified expenses of Public Defenders from the money appropriated to the Treasurer for capital litigation expenses of Public Defenders in any county other than Cook County, if there are sufficient moneys in the Trust Fund to pay the expenses.

(2) If a defendant in a capital case is represented by court appointed counsel other than the Public Defender, the appointed counsel shall petition the court to certify compensation and capital litigation expenses including, but not limited to, investigatory and other assistance, expert, forensic, and other witnesses, and mitigation specialists as reasonable, necessary, and appropriate for payment from the Trust Fund. Upon certification on a form created by the State Treasurer of all or a portion of the compensation and expenses certified as reasonable, necessary, and appropriate for payment from the Trust Fund and the court's delivery of the certification to the Treasurer, the State Treasurer shall pay the certified compensation and expenses from the money appropriated to the Treasurer for that purpose, if there are sufficient moneys in the Trust Fund to make those payments.

(3) A petition for capital litigation expenses under this subsection shall be considered in camera. Orders denying petitions for compensation or expenses are final.

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(j) If the Trust Fund is discontinued or dissolved by an Act of the General Assembly or by operation of law, any balance remaining in the Trust Fund shall be returned to the General Revenue Fund after deduction of administrative costs, any other provision of this Act to the contrary notwithstanding.

(Source: P.A. 91-589, eff. 1-1-00.)

(725 ILCS 124/19)

(Section scheduled to be repealed on July 1, 2004)

Sec. 19. Report; repeal.

(a) The Cook County Public Defender, the Cook County State's Attorney, the State Appellate Defender, the State's Attorneys Appellate Prosecutor, and the Attorney General shall each report separately to the General Assembly by January 1, 2004 detailing the amounts of money received by them through this Act, the uses for which those funds were expended, the balances then in the Capital Litigation Trust Fund or county accounts, as the case may be, dedicated to them for the use and support of Public Defenders, appointed trial defense counsel, and State's Attorneys, as the case may be. The report shall describe and discuss the need for continued funding through the Fund and contain any suggestions for changes to this Act.

(b) ~~(Blank) Unless the General Assembly provides otherwise, this Act is repealed on July 1, 2004.~~

(Source: P.A. 91-589, eff. 1-1-00.)

Section 25. The Unified Code of Corrections is amended by changing Sections 3-3-13 and 5-4-3 and adding Section 5-2-7 as follows:

(730 ILCS 5/3-3-13) (from Ch. 38, par. 1003-3-13)

Sec. 3-3-13. Procedure for Executive Clemency.

(a) Petitions seeking pardon, commutation, or reprieve shall be addressed to the Governor and filed with the Prisoner Review Board. The petition shall be in writing and signed by the person under conviction or by a person on his behalf. It shall contain a brief history of the case, the reasons for seeking executive clemency, and other relevant information the Board may require.

(a-5) After a petition has been denied by the Governor, the Board may not accept a repeat petition for executive clemency for the same person until one full year has elapsed from the date of the denial. The Chairman of the Board may waive the one-year requirement if the petitioner offers in writing new information that was unavailable to the petitioner at the time of the filing of the prior petition and which the Chairman determines to be significant. The Chairman also may waive the one-year waiting period if the petitioner can show that a change in circumstances of a compelling humanitarian nature has arisen since the denial of the prior petition.

(b) Notice of the proposed application shall be given by the Board to the committing court and the state's attorney of the county where the conviction was had.

(c) The Board shall, if requested and upon due notice, give a hearing to each application, allowing representation by counsel, if desired, after which it shall confidentially advise the Governor by a written report of its recommendations which shall be determined by majority vote. The Board shall meet to consider such petitions no less than 4 times each year.

Application for executive clemency under this Section may not be commenced on behalf of a person who has been sentenced to death without the written consent of the defendant, unless the defendant, because of a mental or physical condition, is incapable of asserting his or her own claim.

All petitions for executive clemency on behalf of a person who is

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sentenced to death must be filed with the Prisoner Review Board within 30 days from the date that the Supreme Court has issued a final order setting the execution date. The Governor or the Chairman of the Prisoner Review Board may waive the 30-day requirement if the petitioner has just cause for not filing the petition within the appropriate time limitations.

(d) The Governor shall decide each application and communicate his decision to the Board which shall notify the petitioner.

In the event a petitioner who has been convicted of a Class X felony is granted a release, after the Governor has communicated such decision to the Board, the Board shall give written notice to the Sheriff of the county from which the offender was sentenced if such sheriff has requested that such notice be given on a continuing basis. In cases where arrest of the offender or the commission of the offense took place in any municipality with a population of more than 10,000 persons, the Board shall also give written notice to the proper law enforcement agency for said municipality which has requested notice on a continuing basis.

(e) Nothing in this Section shall be construed to limit the power of the Governor under the constitution to grant a reprieve, commutation of sentence, or pardon.

(Source: P.A. 89-112, eff. 7-7-95; 89-684, eff. 6-1-97.)

(730 ILCS 5/5-2-7 new)

Sec. 5-2-7. Fitness to be executed.

(a) A person is unfit to be executed if the person is mentally retarded. For the purposes of this Section, "mentally retarded" means:

(1) having significantly sub-average general intellectual functioning as evidenced by a functional intelligence quotient (I.Q.) of 70 or below; and

(2) having significant deficits in adaptive behavior in at least 2 of the following skill areas: communication, self-care, social or interpersonal skills, home living, self-direction, academics, health and safety, use of community resources, and work.

The mental retardation must have been manifested during the developmental period, or by 18 years of age.

(b) The question of fitness to be executed may be raised after pronouncement of the death sentence. The procedure for raising and deciding the question shall be the same as that provided for raising and deciding the question of fitness to stand trial subject to the following specific provisions:

(1) the question shall be raised by motion filed in the sentencing court;

(2) the question shall be decided by the court;

(3) the burden of proving that the offender is unfit to be executed is on the offender;

(4) if the offender is found to be mentally retarded, the court must resentence the offender to natural life imprisonment under Chapter V of the Unified Code of Corrections.

(c) If the question of mental retardation was raised at the offender's sentencing hearing and the trier of fact expressly found that the offender was not mentally retarded as required by subsections (g) and (h) of Section 9-1 of the Criminal Code of 1961, the trier of fact's determination on that issue shall be presumed correct unless it is proven by the offender to be against the manifest weight of the evidence.

(730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

Sec. 5-4-3. Persons convicted of, or found delinquent for, certain offenses or institutionalized as sexually dangerous;

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specimens; genetic marker groups.

(a) Any person convicted of, found guilty under the Juvenile Court Act of 1987 for, or who received a disposition of court supervision for, a qualifying offense or attempt of a qualifying offense, convicted or found guilty of any offense classified as a felony under Illinois law, found guilty or given supervision for any offense classified as a felony under the Juvenile Court Act of 1987, or institutionalized as a sexually dangerous person under the Sexually Dangerous Persons Act, or committed as a sexually violent person under the Sexually Violent Persons Commitment Act shall, regardless of the sentence or disposition imposed, be required to submit specimens of blood, saliva, or tissue to the Illinois Department of State Police in accordance with the provisions of this Section, provided such person is:

(1) convicted of a qualifying offense or attempt of a qualifying offense on or after the effective date of this amendatory Act of 1989, and sentenced to a term of imprisonment, periodic imprisonment, fine, probation, conditional discharge or any other form of sentence, or given a disposition of court supervision for the offense, or

(1.5) found guilty or given supervision under the Juvenile Court Act of 1987 for a qualifying offense or attempt of a qualifying offense on or after the effective date of this amendatory Act of 1996, or

(2) ordered institutionalized as a sexually dangerous person on or after the effective date of this amendatory Act of 1989, or

(3) convicted of a qualifying offense or attempt of a qualifying offense before the effective date of this amendatory Act of 1989 and is presently confined as a result of such conviction in any State correctional facility or county jail or is presently serving a sentence of probation, conditional discharge or periodic imprisonment as a result of such conviction, or

(3.5) convicted or found guilty of any offense classified as a felony under Illinois law or found guilty or given supervision for such an offense under the Juvenile Court Act of 1987 on or after the effective date of this amendatory Act of the 92nd General Assembly, or

(4) presently institutionalized as a sexually dangerous person or presently institutionalized as a person found guilty but mentally ill of a sexual offense or attempt to commit a sexual offense; or

(4.5) ordered committed as a sexually violent person on or after the effective date of the Sexually Violent Persons Commitment Act; or

(5) seeking transfer to or residency in Illinois under Sections 3-3-11.05 through 3-3-11.5 of the Unified Code of Corrections and the Interstate Compact for Adult Offenders Supervision or the Interstate Agreements on Sexually Dangerous Persons Act.

Notwithstanding other provisions of this Section, any person incarcerated in a facility of the Illinois Department of Corrections on or after the effective date of this amendatory Act of the 92nd General Assembly shall be required to submit a specimen of blood, saliva, or tissue prior to his or her release on parole or mandatory supervised release, as a condition of his or her parole or mandatory supervised release.

(a-5) Any person who was otherwise convicted of or received a disposition of court supervision for any other offense under the

Criminal Code of 1961 or who was found guilty or given supervision for such a violation under the Juvenile Court Act of 1987, may, regardless of the sentence imposed, be required by an order of the court to submit specimens of blood, saliva, or tissue to the Illinois Department of State Police in accordance with the provisions of this Section.

(b) Any person required by paragraphs (a)(1), (a)(1.5), (a)(2), (a)(3.5), and (a-5) to provide specimens of blood, saliva, or tissue shall provide specimens of blood, saliva, or tissue within 45 days after sentencing or disposition at a collection site designated by the Illinois Department of State Police.

(c) Any person required by paragraphs (a)(3), (a)(4), and (a)(4.5) to provide specimens of blood, saliva, or tissue shall be required to provide such samples prior to final discharge, parole, or release at a collection site designated by the Illinois Department of State Police.

(c-5) Any person required by paragraph (a)(5) to provide specimens of blood, saliva, or tissue shall, where feasible, be required to provide the specimens before being accepted for conditioned residency in Illinois under the interstate compact or agreement, but no later than 45 days after arrival in this State.

(c-6) The Illinois Department of State Police may determine which type of specimen or specimens, blood, saliva, or tissue, is acceptable for submission to the Division of Forensic Services for analysis.

(d) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of blood samples. The collection of samples shall be performed in a medically approved manner. Only a physician authorized to practice medicine, a registered nurse or other qualified person trained in venipuncture may withdraw blood for the purposes of this Act. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(d-1) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of saliva samples. The collection of saliva samples shall be performed in a medically approved manner. Only a person trained in the instructions promulgated by the Illinois State Police on collecting saliva may collect saliva for the purposes of this Section. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(d-2) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of tissue samples. The collection of tissue samples shall be performed in a medically approved manner. Only a person trained in the instructions promulgated by the Illinois State Police on collecting tissue may collect tissue for the purposes of this Section. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(d-5) To the extent that funds are available, the Illinois Department of State Police shall contract with qualified personnel and certified laboratories for the collection, analysis, and categorization of known samples.

(e) The genetic marker groupings shall be maintained by the Illinois Department of State Police, Division of Forensic Services.

(f) The genetic marker grouping analysis information obtained pursuant to this Act shall be confidential and shall be released only

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to peace officers of the United States, of other states or territories, of the insular possessions of the United States, of foreign countries duly authorized to receive the same, to all peace officers of the State of Illinois and to all prosecutorial agencies. Notwithstanding the limits on disclosure stated by this subsection (f), the genetic marker grouping analysis information obtained under this Act also may be released by court order pursuant to a motion under Section 114-15 of the Code of Criminal Procedure of 1963 to a defendant who meets all of the requirements under that Section. The genetic marker grouping analysis information obtained pursuant to this Act shall be used only for (i) valid law enforcement identification purposes and as required by the Federal Bureau of Investigation for participation in the National DNA database or (ii) technology validation purposes. Notwithstanding any other statutory provision to the contrary, all information obtained under this Section shall be maintained in a single State data base, which may be uploaded into a national database, and which information may be subject to expungement only as set forth in subsection (f-1).

(f-1) Upon receipt of notification of a reversal of a conviction based on actual innocence, or of the granting of a pardon pursuant to Section 12 of Article V of the Illinois Constitution, if that pardon document specifically states that the reason for the pardon is the actual innocence of an individual whose DNA record has been stored in the State or national DNA identification index in accordance with this Section by the Illinois Department of State Police, the DNA record shall be expunged from the DNA identification index, and the Department shall by rule prescribe procedures to ensure that the record and any samples, analyses, or other documents relating to such record, whether in the possession of the Department or any law enforcement or police agency, or any forensic DNA laboratory, including any duplicates or copies thereof, are destroyed and a letter is sent to the court verifying the expungement is completed.

(f-5) Any person who intentionally uses genetic marker grouping analysis information, or any other information derived from a DNA sample, beyond the authorized uses as provided under this Section, or any other Illinois law, is guilty of a Class 4 felony, and shall be subject to a fine of not less than \$5,000.

(g) For the purposes of this Section, "qualifying offense" means any of the following:

(1) Any violation or inchoate violation of Section 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or 12-16 of the Criminal Code of 1961, or

(1.1) Any violation or inchoate violation of Section 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3, 18-4, 19-1, or 19-2 of the Criminal Code of 1961 for which persons are convicted on or after July 1, 2001, or

(2) Any former statute of this State which defined a felony sexual offense, or

(3) (Blank), or

(4) Any inchoate violation of Section 9-3.1, 11-9.3, 12-7.3, or 12-7.4 of the Criminal Code of 1961.

(g-5) (Blank).

(h) The Illinois Department of State Police shall be the State central repository for all genetic marker grouping analysis information obtained pursuant to this Act. The Illinois Department of State Police may promulgate rules for the form and manner of the collection of blood, saliva, or tissue samples and other procedures for the operation of this Act. The provisions of the Administrative Review Law shall apply to all actions taken under the rules so promulgated.

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(i) A person required to provide a blood, saliva, or tissue specimen shall cooperate with the collection of the specimen and any deliberate act by that person intended to impede, delay or stop the collection of the blood, saliva, or tissue specimen is a Class A misdemeanor.

(j) Any person required by subsection (a) to submit specimens of blood, saliva, or tissue to the Illinois Department of State Police for analysis and categorization into genetic marker grouping, in addition to any other disposition, penalty, or fine imposed, shall pay an analysis fee of \$200. If the analysis fee is not paid at the time of sentencing, the court shall establish a fee schedule by which the entire amount of the analysis fee shall be paid in full, such schedule not to exceed 24 months from the time of conviction. The inability to pay this analysis fee shall not be the sole ground to incarcerate the person.

(k) All analysis and categorization fees provided for by subsection (j) shall be regulated as follows:

(1) The State Offender DNA Identification System Fund is hereby created as a special fund in the State Treasury.

(2) All fees shall be collected by the clerk of the court and forwarded to the State Offender DNA Identification System Fund for deposit. The clerk of the circuit court may retain the amount of \$10 from each collected analysis fee to offset administrative costs incurred in carrying out the clerk's responsibilities under this Section.

(3) Fees deposited into the State Offender DNA Identification System Fund shall be used by Illinois State Police crime laboratories as designated by the Director of State Police. These funds shall be in addition to any allocations made pursuant to existing laws and shall be designated for the exclusive use of State crime laboratories. These uses may include, but are not limited to, the following:

(A) Costs incurred in providing analysis and genetic marker categorization as required by subsection (d).

(B) Costs incurred in maintaining genetic marker groupings as required by subsection (e).

(C) Costs incurred in the purchase and maintenance of equipment for use in performing analyses.

(D) Costs incurred in continuing research and development of new techniques for analysis and genetic marker categorization.

(E) Costs incurred in continuing education, training, and professional development of forensic scientists regularly employed by these laboratories.

(1) The failure of a person to provide a specimen, or of any person or agency to collect a specimen, within the 45 day period shall in no way alter the obligation of the person to submit such specimen, or the authority of the Illinois Department of State Police or persons designated by the Department to collect the specimen, or the authority of the Illinois Department of State Police to accept, analyze and maintain the specimen or to maintain or upload results of genetic marker grouping analysis information into a State or national database.

(Source: P.A. 91-528, eff. 1-1-00; 92-16, eff. 6-28-01; 92-40, eff. 6-29-01; 92-571, eff. 6-26-02; 92-600, eff. 6-28-02; 92-829, eff. 8-22-02; revised 9-19-02.)

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes."

The motion prevailed and the amendment was adopted and ordered

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printed.

Senator Roskam offered the following amendment and moved its adoption:

AMENDMENT NO. 4

AMENDMENT NO. 4. Amend House Bill 5657, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 3, on page 17, line 24, by changing "2 years" to "a reasonable period of time".

The motion prevailed and the amendment was adopted and ordered printed.

And House Bill No. 5657, as amended, was returned to the order of third reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator O'Malley, House Bill No. 3717 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

The following voted in the affirmative:

Bomke
Brady
Burzynski
Clayborne
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Geo-Karis
Haine
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Madigan
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
O'Shea
Parker

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Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Rupley
 Shadid
 Shaw
 Sieben
 Silverstein
 Stone
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

On motion of Senator Roskam, House Bill No. 5657 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 46; Nays 11.

The following voted in the affirmative:

Bomke
 Brady
 Burzynski
 Clayborne
 Cronin
 Cullerton
 DeLeo
 del Valle
 Dillard
 Donahue
 Geo-Karis
 Haine
 Halvorson
 Hawkinson
 Jacobs
 Jones, W.
 Karpiel
 Klemm
 Lauzen
 Lightford
 Mahar

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Munoz
Myers
Noland
O'Daniel
O'Malley
O'Shea
Parker
Peterson
Petka
Radogno
Rauschenberger
Roskam
Rupley
Shadid
Sieben
Silverstein
Stone
Sullivan
Syverson
Walsh
Watson
Weaver
Welch
Woolard
Mr. President

The following voted in the negative:

Demuzio
Hendon
Jones, E.
Link
Madigan
Molaro
Obama
Ronen
Shaw
Trotter
Viverito

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

Senator del Valle asked and obtained unanimous consent for the Journal to reflect his negative vote on House Bill No. 5657.

On motion of Senator Petka, House Bill No. 3080 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

The following voted in the affirmative:

Bomke

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Brady
 Burzynski
 Clayborne
 Cronin
 Cullerton
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Geo-Karis
 Haine
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, E.
 Jones, W.
 Karpier
 Klemm
 Lauzen
 Lightford
 Link
 Madigan
 Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 O'Shea
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Rupley
 Shadid
 Shaw
 Sieben
 Silverstein
 Stone
 Sullivan
 Trotter
 Viverito
 Walsh
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

This bill, having received the vote of three-fifths of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives

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thereof.

CONSIDERATION OF HOUSE BILLS VETOED BY THE GOVERNOR

Pursuant to Motion in Writing filed and journalized on December 3, 2002, Senator Mahar moved to accept the Governor's specific recommendations for change to House Bill No. 2.

And on that motion, a call of the roll was had resulting as follows:

Yeas 57; Nays None.

The following voted in the affirmative:

Bomke
Brady
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Geo-Karis
Haine
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpel
Klemm
Lauzen
Lightford
Link
Madigan
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
O'Shea
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Rupley
Shadid
Shaw
Sieben

[Dec. 4, 2002]

Silverstein
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh
Watson
Weaver
Welch
Woolard
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of the Governor's specific recommendations for change to House Bill No. 2.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to Motion in Writing filed on November 22, 2002 and journalized December 3, 2002, Senator DeLeo moved to accept the Governor's specific recommendations for change to House Bill No. 2271.

And on that motion, a call of the roll was had resulting as follows:

Yeas 57; Nays None.

The following voted in the affirmative:

Bomke
Brady
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Geo-Karis
Haine
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Madigan
Mahar
Molaro
Munoz
Myers
Noland

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Obama
O'Daniel
O'Malley
O'Shea
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Rupley
Shadid
Shaw
Sieben
Silverstein
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh
Watson
Weaver
Welch
Woolard
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of the Governor's specific recommendations for change to House Bill No. 2271.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to Motion in Writing filed on November 26, 2002 and journalized December 3, 2002, Senator Munoz moved to accept the Governor's specific recommendations for change to House Bill No. 4074.

And on that motion, a call of the roll was had resulting as follows:

Yeas 55; Nays None.

The following voted in the affirmative:

Bomke
Brady
Burzynski
Clayborne
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Geo-Karis
Haine
Halvorson
Hawkinson

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Hendon
 Jacobs
 Jones, E.
 Jones, W.
 Karpiel
 Klemm
 Lauzen
 Lightford
 Link
 Madigan
 Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 O'Shea
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Rupley
 Shadid
 Shaw
 Sieben
 Silverstein
 Stone
 Sullivan
 Trotter
 Viverito
 Walsh
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of the Governor's specific recommendations for change to House Bill No. 4074.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to Motion in Writing filed on December 2, 2002 and journalized December 3, 2002, Senator Madigan moved to accept the Governor's specific recommendations for change to House Bill No. 4179.

And on that motion, a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

[Dec. 4, 2002]

Bomke
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Geo-Karis
Haine
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpier
Klemm
Lauzen
Lightford
Link
Madigan
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
O'Shea
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Rupley
Shadid
Shaw
Sieben
Silverstein
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh
Watson
Weaver
Welch
Woolard
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of the Governor's specific recommendations for change to House Bill No.

[Dec. 4, 2002]

4179.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to Motion in Writing filed on November 21, 2002 and journalized December 3, 2002, Senator Walsh moved to accept the Governor's specific recommendations for change to House Bill No. 4938.

And on that motion, a call of the roll was had resulting as follows:

Yeas 57; Nays None.

The following voted in the affirmative:

Bomke
 Brady
 Burzynski
 Clayborne
 Cronin
 Cullerton
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Geo-Karis
 Haine
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, E.
 Jones, W.
 Karpel
 Klemm
 Lauzen
 Lightford
 Link
 Madigan
 Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 O'Shea
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Rupley
 Shadid
 Shaw
 Sieben

[Dec. 4, 2002]

Silverstein
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh
Watson
Weaver
Welch
Woolard
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of the Governor's specific recommendations for change to House Bill No. 4938.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to Motion in Writing filed and journalized on December 3, 2002, Senator Sullivan moved to accept the Governor's specific recommendations for change to House Bill No. 5610.

And on that motion, a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

Bomke
Brady
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Geo-Karis
Haine
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lightford
Link
Madigan
Mahar
Molaro
Munoz
Myers
Noland
Obama

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O'Daniel
O'Malley
O'Shea
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Rupley
Shadid
Shaw
Sieben
Silverstein
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh
Watson
Weaver
Welch
Woolard
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of the Governor's specific recommendations for change to House Bill No. 5610.

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 4:23 o'clock p.m., Senator Watson presiding.

REPORT FROM STANDING COMMITTEE

Senator Petka, Co-Chairperson of the Committee on Executive Appointments, moved that the Senate resolve itself into Executive Session to consider the report of that Committee relative to the Governor's appointments.

The motion prevailed.

EXECUTIVE SESSION

Senators Petka and DeLeo, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of November 21, 2002, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

CHICAGO TRANSIT AUTHORITY

To be a member of the Chicago Transit Authority for a term commencing December 2, 2002, and ending September 1, 2009:

[Dec. 4, 2002]

Cynthia A. Panayotovich of Lansing
Salaried

COURT OF CLAIMS

To be a member of the Court of Claims for a term
ending January 16, 2006:

Zack Stamp of New Berlin
Salaried

CURATOR OF THE EXECUTIVE MANSION

To be the Curator of the Executive Mansion beginning
January 1, 2003, for an unspecified term length:

David H. Bourland of Springfield
Salaried

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

To be the Inspector General in the Department of
Children and Family Services for a term ending
June 1, 2005:

Denise Kane of Chicago
Salaried

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

To be the Chairman of the Illinois Educational Labor
Relations Board for a term ending December 21, 2002:

Michael J. Gavin of Joliet
Salaried

To be a member of the Illinois Educational Labor
Relations Board for a term commencing January 12, 2003,
and ending February 1, 2004:

Joseph P. Hannon of Chicago
Salaried

To be a member of the Illinois Educational Labor
Relations Board for a term commencing January 9,
2003, and ending July 1, 2004:

Laura Kent Donahue of Quincy
Salaried

ILLINOIS INTERNATIONAL PORT DISTRICT BOARD

To be a member of the Illinois International Port
District Board for a term ending June 1, 2007:

William F. Murphy of Woodridge
Salaried

ILLINOIS LABOR RELATIONS BOARD; LOCAL PANEL

[Dec. 4, 2002]

To be a member, and Chairman, of the Illinois Labor Relations Board; Local Panel for a term commencing November 21, 2002, ending January 24, 2005:

Pam McDonough of Springfield
Salaried

ILLINOIS LABOR RELATIONS BOARD; STATE PANEL

To be members of the Illinois Labor Relations Board; State Panel for terms ending January 23, 2006:

Debra M. Lounsberry of Pawnee
Salaried

Thomas J. Walsh of LaGrange Park
Salaried

To be a member of the Illinois Labor Relations Board; State Panel for a term commencing January 1, 2003, and ending January 23, 2006:

Michael P. Madigan of Springfield
Salaried

ILLINOIS LIQUOR CONTROL COMMISSION

To be a member of the Illinois Liquor Control Commission for a term commencing January 1, 2003, and ending February 1, 2008:

Stephen B. Schnorf of Springfield
Salaried

ILLINOIS TOLL HIGHWAY AUTHORITY

To be a member of the Illinois Toll Highway Authority for a term ending May 1, 2005:

Carl O. Towns of Rockford
Salaried

INDUSTRIAL COMMISSION

To be a member of the Industrial Commission for a term ending December 31, 2002:

Paul W. Rink of Chicago
Salaried

To be a member of the Industrial Commission for a term commencing January 1, 2003, and ending January 17, 2005:

Diane Ford of New Berlin
Salaried

OFFICE OF BANKS & REAL ESTATE

To be a Deputy Commissioner of the Office of Banks & Real Estate for a term commencing

[Dec. 4, 2002]

January 1, 2003, and ending January 31, 2004:

Anne Zickus of Palos Hills
Salaried

PRISONER REVIEW BOARD

To be a member of the Prisoner Review Board
for a term ending January 16, 2006:

David A. Frier of Springfield
Salaried

To be a member of the Prisoner Review Board
for a term commencing January 1, 2003, and
ending January 15, 2007:

Mark R. Warnsing of Divernon
Salaried

PROPERTY TAX APPEAL BOARD

To be a member of the Property Tax Appeal Board
for a term commencing December 1, 2002, and ending
January 20, 2003:

Orlando G. Jones, Sr. of Chicago
Salaried

Senator Petka moved that the Senate advise and consent to the
foregoing appointments.

And on that motion, a call of the roll was had resulting as
follows:

Yeas 45; Nays 4; Present 7.

The following voted in the affirmative:

Bomke
Brady
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Geo-Karis
Haine
Hawkinson
Hendon
Jacobs
Jones, W.
Karpiel
Klemm
Mahar
Molaro
Munoz
Myers

[Dec. 4, 2002]

Noland
O'Shea
Parker
Peterson
Petka
Radogno
Rauschenberger
Roskam
Rupley
Shadid
Sieben
Silverstein
Stone
Sullivan
Syverson
Viverito
Walsh
Watson
Weaver
Welch
Woolard
Mr. President

The following voted in the negative:

Lauzen
Obama
O'Daniel
Ronen

The following voted present:

Halvorson
Jones, E.
Lightford
Link
Madigan
O'Malley
Shaw

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

Senators Petka and DeLeo, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of November 21, 2002, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

Senators Viverito, Walsh, Halvorson, del Valle and Woolard submitted the following Motion in Writing:

Pursuant to Senate Rule 10-1(c), we request that the confirmation of Thaddeus S. Lechowicz, to be a member of the Illinois Labor Relations Board; State Panel, be taken on a separate roll call from those salaried appointments of the Governor remaining from the Governor's message of November 21, 2002.

Dated: December 4, 2002

[Dec. 4, 2002]

s/Louis Viverito	s/Miguel del Valle
s/Lawrence Walsh	s/Larry Woolard
s/Debbie Halvorson	

ILLINOIS LABOR RELATIONS BOARD; STATE PANEL

To be a member of the Illinois Labor Relations Board;
State Panel for a term commencing December 3, 2002,
and ending January 27, 2003:

Thaddeus S. Lechowicz of Chicago
Salaried

Senator Petka moved that the Senate advise and consent to the foregoing appointment.

And on that motion, a call of the roll was had resulting as follows:

Yeas 32; Nays 8; Present 14.

The following voted in the affirmative:

Bomke
Brady
Burzynski
Cronin
Cullerton
DeLeo
del Valle
Dillard
Donahue
Geo-Karis
Hawkinson
Hendon
Jones, W.
Karpel
Klemm
Myers
Noland
O'Shea
Parker
Peterson
Petka
Radogno
Roskam
Rupley
Sieben
Silverstein
Stone
Sullivan
Syverson
Watson
Weaver
Mr. President

The following voted in the negative:

Clayborne
Haine
Halvorson
Jacobs

[Dec. 4, 2002]

Lauzen
O'Daniel
Viverito
Walsh

The following voted present:

Demuzio
Jones, E.
Lightford
Link
Madigan
Mahar
Munoz
O'Malley
Ronen
Shadid
Shaw
Trotter
Welch
Woolard

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senators Petka and DeLeo, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of November 21, 2002, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

Senators Jacobs, Demuzio, Welch, O'Daniel and Link submitted the following Motion in Writing:

Pursuant to Senate Rule 10-1(c), we request that the confirmation of Joyce E. Karon to be a Member of the State Board of Education be taken on a separate roll call from those non-salaried appointments of the Governor remaining from the Governor's message of November 21, 2002.

Dated: December 4, 2002

s/Denny Jacobs	s/William L. O'Daniel
s/Vince Demuzio	s/Terry Link
s/Pat Welch	

STATE BOARD OF EDUCATION

To be a member of the State Board of Education for a term commencing January 8, 2003, and ending January 14, 2009:

Joyce E. Karon of Barrington
Non-Salaried

Senator Petka moved that the Senate advise and consent to the foregoing appointments.

And on that motion, a call of the roll was had resulting as follows:

[Dec. 4, 2002]

Yeas 30; Nays 3; Present 24.

The following voted in the affirmative:

Bomke
Brady
Burzynski
Cronin
Dillard
Donahue
Geo-Karis
Hawkinson
Jones, W.
Karpel
Klemm
Mahar
Myers
Noland
O'Malley
O'Shea
Parker
Peterson
Petka
Radogno
Rauschenberger
Roskam
Rupley
Sieben
Stone
Sullivan
Syverson
Watson
Weaver
Mr. President

The following voted in the negative:

del Valle
Jacobs
Viverito

The following voted present:

Clayborne
Cullerton
DeLeo
Demuzio
Haine
Halvorson
Hendon
Jones, E.
Lauzen
Lightford
Link
Madigan
Molaro
Munoz
Obama
O'Daniel
Ronen

[Dec. 4, 2002]

Shadid
Shaw
Silverstein
Trotter
Walsh
Welch
Woolard

This roll call verified

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senators Petka and DeLeo, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of November 21, 2002, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

Senators Jacobs, Demuzio, Welch, O'Daniel and Link submitted the following Motion in Writing:

Pursuant to Senate Rule 10-1(c), we request that the confirmation of Gregory N. Kazarian to be a Member of the State Board of Education be taken on a separate roll call from those non-salaried appointments of the Governor remaining from the Governor's message of November 21, 2002.

Dated: December 4, 2002

s/Denny Jacobs	s/William L. O'Daniel
s/Vince Demuzio	s/Terry Link
s/Pat Welch	

STATE BOARD OF EDUCATION

To be a member of the State Board of Education for a term commencing January 8, 2003, and ending January 14, 2009:

Gregory N. Kazarian of Lake Forest
Non-Salaried

Senator Petka moved that the Senate advise and consent to the foregoing appointment.

And on that motion, a call of the roll was had resulting as follows:

Yeas 31; Nays 3; Present 22.

The following voted in the affirmative:

Bomke
Brady
Burzynski
Cronin
Dillard
Donahue
Geo-Karis
Hawkinson

[Dec. 4, 2002]

Jones, W.
 Karpier
 Klemm
 Lauzen
 Mahar
 Myers
 Noland
 O'Malley
 O'Shea
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Roskam
 Rupley
 Sieben
 Stone
 Sullivan
 Syverson
 Watson
 Weaver
 Mr. President

The following voted in the negative:

del Valle
 Jacobs
 Welch

The following voted present:

Clayborne
 Cullerton
 DeLeo
 Demuzio
 Haine
 Halvorson
 Hendon
 Jones, E.
 Lightford
 Link
 Madigan
 Molaro
 Munoz
 Obama
 O'Daniel
 Ronen
 Shadid
 Shaw
 Silverstein
 Viverito
 Walsh
 Woolard

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senators Petka and DeLeo, Co-Chairpersons of the Committee on

[Dec. 4, 2002]

Executive Appointments, to which was referred the Governor's Message to the Senate of November 21, 2002, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

Senators Molaro, Jacobs, Welch, Link and Demuzio submitted the following Motion in Writing.

Pursuant to Senate Rule 10-1(c), we request that the Confirmation of Jack Potter, to be a member of the Waukegan Port District Board, be taken on a separate roll call from those non-salaried appointments of the Governor remaining from the Governor's message of November 21, 2002.

Dated: December 4, 2002

s/Robert S. Molaro	s/Terry Link
s/Denny Jacobs	s/Vince Demuzio
s/Pat Welch	

WAUKEGAN PORT DISTRICT BOARD

To be a member of the Waukegan Port District Board
for a term ending May 31, 2007:

Jack Potter of Waukegan
Non-Salaried

Senator Petka moved that the Senate advise and consent to the foregoing appointment.

And on that motion, a call of the roll was had resulting as follows:

Yeas 30; Nays 2; Present 23.

The following voted in the affirmative:

Bomke
Brady
Burzynski
Cronin
Dillard
Donahue
Geo-Karis
Hawkinson
Jones, W.
Karpiel
Klemm
Mahar
Myers
Noland
O'Malley
O'Shea
Parker
Peterson
Petka
Radogno
Rauschenberger
Roskam
Rupley
Sieben

[Dec. 4, 2002]

Stone
Sullivan
Syverson
Watson
Weaver
Mr. President

The following voted in the negative:

del Valle
Jacobs

The following voted present:

Clayborne
Cullerton
DeLeo
Demuzio
Haine
Halvorson
Hendon
Jones, E.
Lauzen
Lightford
Link
Madigan
Molaro
Munoz
O'Daniel
Ronen
Shadid
Shaw
Silverstein
Viverito
Walsh
Welch
Woolard

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senators Petka and DeLeo, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of November 21, 2002, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

ADVISORY BOARD TO THE DEPARTMENT OF NATURAL RESOURCES

To be a member of the Advisory Board to the Department of Natural Resources for a term ending January 17, 2005:

Lawrence R. Lucas of Glenview
Non-Salaried

To be a member of the Advisory Board to the Department of Natural Resources for a term ending January 15, 2007:

George H. Ryan, Jr. of Bourbonnais

[Dec. 4, 2002]

Non-Salaried

BI-STATE DEVELOPMENT AGENCY

To be a member of the Bi-State Development Agency for
a term ending January 15, 2007:

David Tanzyus of Collinsville
Non-Salaried

BOARD OF HIGHER EDUCATION

To be a member of the Board of Higher Education for
a term ending January 31, 2003:

Lee H. Walker of Burr Ridge
Non-Salaried

BOARD OF TRUSTEES UNIVERSITY OF ILLINOIS

To be a member of the University of Illinois Board
of Trustees for a term commencing January 1, 2003,
and ending January 10, 2005:

Thomas R. Lamont of Springfield
Non-Salaried

CAPITAL DEVELOPMENT BOARD

To be a member of the Capital Development Board for
a term ending January 16, 2006:

Glyn Ramage of Dupo
Non-Salaried

DEPARTMENT OF LABOR ADVISORY BOARD

To be members of the Department of Labor Advisory
Board for terms ending January 19, 2004:

James P. Bruner of Jacksonville
Non-Salaried

David A. De Young of Orland Park
Non-Salaried

Dennis J. Gannon of Orland Park
Non-Salaried

David H. Lorig of Chicago
Non-Salaried

Michael P. O'Neill of Palos Park
Non-Salaried

Hedy M. Ratner of Chicago
Non-Salaried

Edward M. Smith of Olive Branch
Non-Salaried

[Dec. 4, 2002]

EAST ST. LOUIS FINANCIAL ADVISORY AUTHORITY

To be members of the East St. Louis Financial Advisory Authority for terms ending August 30, 2005:

Otis Cowan of Edwardsville
Non-Salaried

Anthony R. Grant of Oak Park
Non-Salaried

Jacqueline R. Settles of East St. Louis
Non-Salaried

EMPLOYMENT SECURITY ADVISORY BOARD

To be a member of the Employment Security Advisory Board for a term ending January 20, 2003:

Douglas L. Whitley of Batavia
Non-Salaried

GUARDIANSHIP & ADVOCACY COMMISSION

To be a member of the Guardianship & Advocacy Commission for a term ending June 30, 2005:

Todd Sieben of Geneseo
Non-Salaried

HAVANA REGIONAL PORT DISTRICT BOARD

To be a member of the Havana Regional Port District Board for a term ending July 1, 2004:

Murray K. Johnson of Havana
Non-Salaried

To be a member of the Havana Regional Port District Board for a term ending July 1, 2005:

Merle F. Tarvin of Havana
Non-Salaried

HEALTH FACILITIES PLANNING BOARD

To be members of the Health Facilities Planning Board for terms ending June 30, 2004:

Thomas P. Beck of Glenview
Non-Salaried

Fred P. Benjamin of Glencoe
Non-Salaried

William J. Marshall of Plainfield
Non-Salaried

Julie Root of Champaign
Non-Salaried

[Dec. 4, 2002]

Joyce Washington of Chicago
Non-Salaried

To be members of the Health Facilities Planning
Board for terms ending June 30, 2005:

Philip C. Bradley of Springfield
Non-Salaried

Barbara Jo Johnson of Park Ridge
Non-Salaried

Dennis C. Millirons of Kankakee
Non-Salaried

Clarence Nagelvoort of Chicago
Non-Salaried

To be a member of the Health Facilities Planning Board
for a term commencing January 1, 2003, and ending
June 30, 2005:

Debra M. Lounsberry of Pawnee
Non-Salaried

HUMAN RESOURCE INVESTMENT COUNCIL / WORKFORCE INVESTMENT BOARD

To be members of the Human Resource Investment Council /
Workforce Investment Board for terms ending July 1, 2003:

Joseph R. Angleton of DuQuoin
Non-Salaried

Dianna Barron of Collinsville
Non-Salaried

Irwin A. Bock of Hanover Park
Non-Salaried

Jim Bush of Palos Heights
Non-Salaried

Daniel Cosgrove of Springfield
Non-Salaried

Jo Ann Eckmann of Libertyville
Non-Salaried

Jacqueline C. Edens of Chicago
Non-Salaried

Christopher E. Glynn of Morton
Non-Salaried

Sharon Knotts Green of Barrington
Non-Salaried

Zeleva Harris of Champaign
Non-Salaried

[Dec. 4, 2002]

Ginnie Hartman of Mounds
Non-Salaried

Anne Irving of Chicago
Non-Salaried

Hazel A. King of Chicago
Non-Salaried

Anne Ladky of Chicago
Non-Salaried

Robert K. Luther of Charleston
Non-Salaried

Ronald C. Morehead of Normal
Non-Salaried

Donald L. Shewmake, Jr. of Plainfield
Non-Salaried

Wayne D. Watson of Chicago
Non-Salaried

To be members of the Human Resource Investment Council /
Workforce Investment Board for terms ending July 1, 2004:

Bert J. Docter of South Holland
Non-Salaried

Julie Hamos of Evanston
Non-Salaried

Kathryn A. Havens of Bloomington
Non-Salaried

John B. Hudson of Springfield
Non-Salaried

Nancy L. Kroll of DeKalb
Non-Salaried

Brooks L. Lockhart of Chicago
Non-Salaried

Earl S. Moldovan of East Peoria
Non-Salaried

Rosemary Mulligan of Des Plaines
Non-Salaried

Michael L. Nylen of South Holland
Non-Salaried

Barbara D. Oilschlager of Grayslake
Non-Salaried

Janet Payne of Westville
Non-Salaried

[Dec. 4, 2002]

Anthony Perry of Bourbonnais
Non-Salaried

John D. Rico of Chicago
Non-Salaried

Blanche Shoup of Galesburg
Non-Salaried

Charles O. Stewart of Moline
Non-Salaried

Gregory W. Sutton of North Aurora
Non-Salaried

Janette Weatherall of Springfield
Non-Salaried

Douglas L. Whitley of Batavia
Non-Salaried

ILLINOIS BUILDING COMMISSION

To be a member of the Illinois Building Commission
for a term ending May 1, 2003:

Steven F. Wydeveld of Manhattan
Non-Salaried

To be members of the Illinois Building Commission for
terms ending May 1, 2004:

Bruce S. Bonczyk of Springfield
Non-Salaried

Bonnie B. Henry of Rockford
Non-Salaried

Robert L. Juris of New Lenox
Non-Salaried

Gary A. Lichthardt of Elgin
Non-Salaried

Roy H. Velde of Morrison
Non-Salaried

ILLINOIS COAL DEVELOPMENT BOARD

To be members of the Illinois Coal Development Board
for terms ending July 1, 2005:

Joseph R. Angleton of DuQuoin
Non-Salaried

Carolyn J. Ehlert of Milan
Non-Salaried

Phillip M. Gonet of Springfield
Non-Salaried

[Dec. 4, 2002]

George "Joe" Pearson of Harrisburg
Non-Salaried

ILLINOIS COMMITTEE FOR AGRICULTURAL EDUCATION

To be a member of the Illinois Committee for Agricultural
Education for a term ending March 13, 2003:

Ruth Hambleton of Woodlawn
Non-Salaried

To be a member of the Illinois Committee for
Agricultural Education for a term ending March 13,
2004:

Michael E. Massie of Dahinda
Non-Salaried

To be members of the Illinois Committee for Agricultural
Education for terms ending March 13, 2005:

Jill Carey-Hargrave of Kingston
Non-Salaried

Lisa M. Martin of Pontiac
Non-Salaried

Nelson I. Thorp of Wapella
Non-Salaried

Jeffrey A. Wood of Downs
Non-Salaried

ILLINOIS COMMUNITY COLLEGE BOARD

To be a member of the Illinois Community College Board
for a term ending June 30, 2007:

A. James Berkel of Dahinda
Non-Salaried

ILLINOIS COMPREHENSIVE HEALTH INSURANCE PLAN

To be a member of the Illinois Comprehensive Health
Insurance Plan for a term ending July 1, 2003:

Steve W. Kinion of Springfield
Non-Salaried

To be members of the Illinois Comprehensive Health
Insurance Plan for terms ending July 1, 2004:

James M. Meyer of Naperville
Non-Salaried

Jay R. Naftzger of Naperville
Non-Salaried

To be members of the Illinois Comprehensive Health
Insurance Plan for terms ending July 1, 2005:

[Dec. 4, 2002]

Maripat Cline of New Berlin
Non-Salaried

Jacqueline Garner of Springfield
Non-Salaried

Mitra B. Kalelkar of Oak Brook
Non-Salaried

ILLINOIS DEVELOPMENT FINANCE AUTHORITY

To be a member of the Illinois Development Finance
Authority for a term ending January 20, 2003:

Brian F. Hynes of Chicago
Non-Salaried

To be a member of the Illinois Development Finance
Authority for a term ending January 17, 2005:

Ira Alper of Glenview
Non-Salaried

ILLINOIS FARM DEVELOPMENT AUTHORITY

To be a member of the Illinois Farm Development
Authority for a term ending January 15, 2005:

Joseph L. Alford of Girard
Non-Salaried

To be a member of the Illinois Farm Development
Authority for a term ending January 16, 2006:

R. Scott Torrance of Media
Non-Salaried

ILLINOIS GAMING BOARD

To be a member of the Illinois Gaming Board for
a term ending July 1, 2004:

Violet M. Clark of Chicago
Non-Salaried

To be members of the Illinois Gaming Board for
terms ending July 1, 2005:

Tobias G. Barry of Ladd
Non-Salaried

William E. Dugan of Mt. Prospect
Non-Salaried

Gary L. Peterlin of Oglesby
Non-Salaried

ILLINOIS HEALTH FACILITIES AUTHORITY

To be a member of the Illinois Health Facilities

[Dec. 4, 2002]

Authority for a term ending June 30, 2008:

Bruce Simon of Leland Grove
Non-Salaried

To be a member of the Illinois Health Facilities
Authority for a term ending June 30, 2009:

Thomas F. Jerkovitz of Chatham
Non-Salaried

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

To be members of the Illinois Housing Development
Authority for terms ending January 10, 2005:

Ronald J. Grotovsky of Mokena
Non-Salaried

A. George Hovanec of Springfield
Non-Salaried

Gerald Sinclair of Salem
Non-Salaried

ILLINOIS LOTTERY CONTROL BOARD

To be members of the Illinois Lottery Control Board
for terms ending July 1, 2003:

Joseph T. Brown of Rantoul
Non-Salaried

Jonathan J. Stein of Wilmette
Non-Salaried

To be a member of the Lottery Control Board
for a term ending July 1, 2004:

Phillip Siegel of Chicago
Non-Salaried

To be members of the Lottery Control Board for
a terms ending July 1, 2005:

James Hadley of Chicago
Non-Salaried

Irv Smith of Springfield
Non-Salaried

ILLINOIS RACING BOARD

To be a member, and Chairman, of the Illinois
Racing Board for a term ending July 1, 2008:

Dennis S. Bookshester of Chicago
Non-Salaried

To be members of the Illinois Racing Board

[Dec. 4, 2002]

for terms ending July 1, 2008:

William J. Chamblin of Robinson
Non-Salaried

Leon Shlofrock of Skokie
Non-Salaried

Robert C. Winchester of Rosiclare
Non-Salaried

ILLINOIS RESEARCH PARK AUTHORITY

To be members of the Illinois Research Park
Authority for terms ending January 19, 2004:

David E. Baker of Chicago
Non-Salaried

Darcy E. Davidsmeyer of Kildeer
Non-Salaried

James E. Walker of Carbondale
Non-Salaried

To be members of the Illinois Research Park
Authority for terms ending January 17, 2005:

Don M. Randel of Chicago
Non-Salaried

Mary Reynolds of Pleasant Plains
Non-Salaried

To be members of the Illinois Research Park
Authority for terms ending January 16, 2006:

Henry S. Bienen of Evanston
Non-Salaried

David C. Broski of Dunlap
Non-Salaried

Pam McDonough of Springfield
Non-Salaried

Gerald W. Shea of Burr Ridge
Non-Salaried

ILLINOIS STATE MEDICAL DISCIPLINARY BOARD

To be members of the Illinois State Medical
Disciplinary Board for terms ending January 1,
2007:

Edward P. Rose of Belleville
Non-Salaried

Douglas P. Webster of Chicago
Non-Salaried

[Dec. 4, 2002]

ILLINOIS STUDENT ASSISTANCE COMMISSION

To be a member of the Illinois Student Assistance Commission for a term ending June 30, 2003:

Kevin O'Kelly of Downers Grove
Non-Salaried

To be a member of the Illinois Student Assistance Commission for a term ending June 30, 2007:

Robert F. Casey of Batavia
Non-Salaried

KASKASKIA REGIONAL PORT DISTRICT BOARD

To be members of the Kaskaskia Regional Port District Board for terms ending June 30, 2005:

Charles R. Bauer of Smithton
Non-Salaried

Richard L. Guebert of Red Bud
Non-Salaried

Robert D. Keller of Waterloo
Non-Salaried

Robert J. Myerscough of Evansville
Non-Salaried

Nancy J. Schilling of Evansville
Non-Salaried

MEDICAL LICENSING BOARD

To be members of the Medical Licensing Board for terms ending January 1, 2006:

Dennis D. Palmer of Aledo
Non-Salaried

William J. Rademacher of Bloomington
Non-Salaried

METROPOLITAN PIER & EXPOSITION AUTHORITY

To be a member of the Metropolitan Pier & Exposition Authority for a term ending June 1, 2003:

John A. Miller of Winnetka
Non-Salaried

To be a member of the Metropolitan Pier & Exposition Authority for a term ending June 1, 2007:

Guy J. Chipparoni of Wilmette
Non-Salaried

MID-AMERICA INTERMODAL AUTHORITY PORT DISTRICT BOARD

[Dec. 4, 2002]

To be a member of the Mid-America Intermodal Authority
Port District Board for a term ending June 1, 2007:

Gene Blackburn of Plymouth
Non-Salaried

NATURAL RESOURCES AND CONSERVATION BOARD

To be members of the Natural Resources and Conservation
Board for unspecified term lengths:

Michael P. Bruen of Libertyville
Non-Salaried

Ada C. Nielsen of Lake Forest
Non-Salaried

PUBLIC ADMINISTRATOR & PUBLIC GUARDIAN

To be the Public Administrator & Public Guardian
of Calhoun County for a term ending December 5, 2005:

Sylvia Hitchings of Hamburg
Non-Salaried

To be the Public Administrator & Public Guardian of
Jefferson County for a term ending December 5, 2005:

Rita Wyciskalla of Scheller
Non-Salaried

To be the Public Administrator & Public Guardian of
Jersey County for a term ending December 5, 2005:

Frank Yocom of Jerseyville
Non-Salaried

To be the Public Administrator & Public Guardian of
Pike County for a term ending December 5, 2005:

Jamie B. Thompson of Pittsfield
Non-Salaried

To be the Public Administrator & Public Guardian of
Rock Island County for a term ending December 5, 2005:

H. Moss Meersman of Moline
Non-Salaried

To be the Public Administrator & Public Guardian of
Sangamon County for a term ending December 5, 2005:

Alfred B. LaBarre of Springfield
Non-Salaried

To be the Public Administrator & Public Guardian of
Vermilion County for a term ending December 5, 2005:

George R. Weller of Danville
Non-Salaried

[Dec. 4, 2002]

QUAD CITIES REGIONAL ECONOMIC DEVELOPMENT AUTHORITY

To be members of the Quad Cities Regional Economic Development Authority for terms ending January 19, 2004:

Robert L. Anderson of Moline
Non-Salaried

Walter J. Sitzmore of Moline
Non-Salaried

To be members of the Quad Cities Regional Economic Development Authority for terms ending January 17, 2005:

Thomas G. Getz of Moline
Non-Salaried

James Patrick Jacobs of Rock Island
Non-Salaried

Scott A. Verschoore of Reynolds
Non-Salaried

SOUTHWEST REGIONAL PORT DISTRICT BOARD

To be members of the Southwest Regional Port District Board for terms ending June 30, 2003:

James H. Collins of Belleville
Non-Salaried

Vernon L. Dennis of Fairview Heights
Non-Salaried

To be members of the Southwest Regional Port District Board for terms ending June 30, 2004:

Joseph H. McCaskill of East St. Louis
Non-Salaried

Scott E. Penny of Fairmont City
Non-Salaried

Victor R. Wicks of East St. Louis
Non-Salaried

To be members of the Southwest Regional Port District Board for terms ending June 30, 2005:

Catherine E. Calvert of Lovejoy
Non-Salaried

Paul L. Sudmeier of East Carondelet
Non-Salaried

STATE BANKING BOARD OF ILLINOIS

To be members of the State Banking Board of Illinois for terms ending December 31, 2004:

[Dec. 4, 2002]

Courtney C. Shea of Chicago
Non-Salaried

Spiro G. Zarkos of Westchester
Non-Salaried

To be a member of the State Banking Board of Illinois
for a term ending December 31, 2005:

Thomas L. Bugielski of Oak Park
Non-Salaried

STATE BOARD OF HEALTH

To be members of the State Board of Health for terms
ending November 1, 2002:

Kevin D. Hutchison of Mascoutah
Non-Salaried

David B. McCurdy of Elmhurst
Non-Salaried

Ann O'Sullivan of Mt. Sterling
Non-Salaried

Richard H. Sewell of Chicago
Non-Salaried

To be members of the State Board of Health
for terms ending November 1, 2003:

Mary England of Mt. Vernon
Non-Salaried

Jane Jackman of Springfield
Non-Salaried

Janice E. Linn of Chicago
Non-Salaried

James McGee of Peoria Heights
Non-Salaried

Gerald S. Moss of Highland Park
Non-Salaried

Javette C. Orgain of Chicago
Non-Salaried

Susan C. Scrimshaw of Chicago
Non-Salaried

Kevin M. Sherin of Westmont
Non-Salaried

Herbert E. Whiteley of Champaign
Non-Salaried

To be members of the State Board of Health for

[Dec. 4, 2002]

terms ending November 1, 2004:

Steven M. Derks of Chicago
Non-Salaried

Jorge A. Girotti of Elmhurst
Non-Salaried

Karen Phelan of Chicago
Non-Salaried

To be members of the State Board of Health
for terms ending November 1, 2005:

Kevin D. Hutchison of Mascoutah
Non-Salaried

David B. McCurdy of Elmhurst
Non-Salaried

Ann O'Sullivan of Mt. Sterling
Non-Salaried

Richard H. Sewell of Chicago
Non-Salaried

STATE POLICE MERIT BOARD

To be a member of the State Police Merit Board
for a term ending March 15, 2004:

Mary Bricker of Watseka
Non-Salaried

To be a member of the State Police Merit Board
for a term ending March 20, 2006:

Niranjana S. Shah of Oak Brook
Non-Salaried

UPPER ILLINOIS RIVER VALLEY DEVELOPMENT AUTHORITY

To be members of the Upper Illinois River Valley
Development Authority for terms ending January 19, 2004:

James P. Ghiglieri, Jr, of Toluca
Non-Salaried

Barbara C. Griffith of McNabb
Non-Salaried

Dennis G. Hackett of Morris
Non-Salaried

William D. Meagher, Jr. of LaSalle
Non-Salaried

John Shaw of Yorkville
Non-Salaried

[Dec. 4, 2002]

To be members of the Upper Illinois River Valley
Development Authority for terms ending January 17, 2005:

Don Adams of Mendota
Non-Salaried

Philip S. McCully of Toluca
Non-Salaried

Thomas Setchell of Ottawa
Non-Salaried

William Steep of Seneca
Non-Salaried

WILL COUNTY METROPOLITAN EXPOSITION & AUDITORIUM AUTHORITY

To be a member of the Will County Metropolitan Exposition
& Auditorium Authority for a term ending December 1, 2004:

James V. Smith of Joliet
Non-Salaried

To be members of the Will County Metropolitan Exposition
& Auditorium Authority for terms ending December 1, 2006:

Rosalie D'Andrea of Joliet
Non-Salaried

Lee A. Goodson of Plainfield
Non-Salaried

WILL-KANKAKEE REGIONAL DEVELOPMENT AUTHORITY

To be a member of the Will-Kankakee Regional Development
Authority for a term ending January 19, 2004:

Albert F. Potter of Kankakee
Non-Salaried

To be a member of the Will-Kankakee Regional Development
Authority for a term ending January 17, 2005:

Walter J. Charlton of Kankakee
Non-Salaried

Senator Petka moved that the Senate advise and consent to the
foregoing appointments.

And on that motion, a call of the roll was had resulting as
follows:

Yeas 48; Nays 1; Present 7.

The following voted in the affirmative:

Bomke
Brady
Burzynski
Clayborne
Cronin
Cullerton

[Dec. 4, 2002]

DeLeo
del Valle
Demuzio
Dillard
Donahue
Geo-Karis
Haine
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpier
Klemm
Lauzen
Luechtefeld
Mahar
Molaro
Myers
Noland
O'Daniel
O'Malley
O'Shea
Parker
Peterson
Petka
Radogno
Rauschenberger
Roskam
Rupley
Sieben
Silverstein
Stone
Sullivan
Syverson
Viverito
Walsh
Watson
Weaver
Welch
Woolard
Mr. President

The following voted in the negative:

Ronen

The following voted present:

Jones, E.
Lightford
Link
Madigan
Munoz
Obama
Shaw

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

[Dec. 4, 2002]

On motion of Senator Petka, the Executive Session arose and the Senate resumed consideration of business.

Senator Noland, presiding.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Watson, House Bill No. 333 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 333 by replacing everything after the enacting clause with the following:

"Section 5. The Code of Civil Procedure is amended by changing Section 7-103 as follows:

(735 ILCS 5/7-103) (from Ch. 110, par. 7-103)

Sec. 7-103. "Quick-take".

(a) This Section applies only to proceedings under this Article that are authorized in the Sections following this Section and preceding Section 7-104.

(a-5) On and after the effective date of this amendatory Act of the 92nd General Assembly, a unit of local government that acquires property in a proceeding subject to this Section may not thereafter transfer the property, by sale, lease, or otherwise, to a private individual or entity.

(a-10) A unit of local government may exercise "quick-take" powers to acquire real property or an interest in real property under this Article only with respect to real property lying within the limits of its territorial jurisdiction. Before the General Assembly may consider any amendment of this Section that adds an authorization for a unit of local government to acquire real property or an interest in real property under this Section, all of the following must occur:

(1) The governing body of the unit of local government shall hold at least one public hearing on the matter of the proposed acquisition. The governing body must give notice of the hearing by publication in a newspaper published in the territory under the jurisdiction of the unit of local government or, if no newspaper is published in that territory, in a newspaper of general circulation in that territory. At the hearing the governing body shall give members of the public an opportunity to ask questions and offer comments orally or in writing or both.

(2) After the conclusion of the public hearing process required under paragraph (1), and not on the same day as a hearing conducted under that paragraph, the governing body of the unit of local government shall adopt by recorded vote a resolution requesting an authorization to exercise "quick-take" powers to acquire the property or interest in property under this Article.

(3) After adopting a resolution under paragraph (2), the governing body of the unit of local government shall file with the Secretary of the Senate and the Clerk of the House of Representatives all of the following:

(A) A copy of the resolution.

(B) The legal description of the property or interest in property sought to be acquired by the exercise of "quick-take" powers under this Article.

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(C) An appraisal of the fair market value of the property or interest in property sought to be acquired by the unit of local government. The appraisal must be prepared by an independent qualified real estate appraiser.

(D) An explanation of the public purposes that the unit of local government intends to further by the acquisition of the property or interest in property.

This subsection (a-10) applies only to authorizations to acquire real property or an interest in real property under this Section that take effect after the effective date of this amendatory Act of the 92nd General Assembly.

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PLUS;

THAT-PART-OF-THE-NORTHWEST-QUARTER-OF-SECTION-3-TOWNSHIP-40-NORTH,-RANGE-12,-EAST-OF-THE-THIRD-PRINCIPAL-MERIDIAN,-AND-BEING-MORE-PARTICULARLY-DESCRIBED-AS-FOLLOWS:-

BEGINNING-AT-THE-POINT-OF-INTERSECTION-OF-THE-EASTERLY-RIGHT-OF-WAY-LINE-OF-THE-NORTHWEST-TOLL-ROAD-AND-THE-SOUTHERLY-RIGHT-OF-WAY-LINE-OF-MAPLE-AVENUE-EXTENDED-WESTERLY;-THENCE-EASTERLY-ALONG-SAID-SOUTHERLY-RIGHT-OF-WAY-LINE-OF-MAPLE-AVENUE-(RECORDED-AS-BOCK-AVENUE)-TO-THE-EASTERLY-RIGHT-OF-WAY-LINE-OF-GAGE-STREET;-THENCE-NORTHERLY-ALONG-SAID-EASTERLY-RIGHT-OF-WAY-LINE-OF-GAGE-STREET-TO-THE-SOUTHERLY-LINE-OF-LOT-2-IN-RIVER-ROSE-SUBDIVISION-UNIT-2-PER-DOCUMENT-NUMBER-19594706;-THENCE-EASTERLY-ALONG-THE-SOUTHERLY-LINE-OF-SAID-LOT-2-IN-RIVER-ROSE-SUBDIVISION-UNIT-NUMBER-2-AND-SAID-SOUTHERLY-LINE-EXTENDED-EASTERLY-TO-THE-EASTERLY-RIGHT-OF-WAY-LINE-OF-GLEN-LAKE-DRIVE-(AS-DEDICATED-IN-RIVER-ROSE-SUBDIVISION-PER-DOCUMENT-NUMBER-19352146-AND-DEDICATED-AS-WILLOW-CREEK-DRIVE);-THENCE-SOUTHWESTERLY-ALONG-SAID-EASTERLY-RIGHT-OF-WAY-LINE-TO-THE-NORTHWEST-CORNER-OF-LOT-1-IN-SAID-RIVER-ROSE-SUBDIVISION;-THENCE-SOUTHEASTERLY-ALONG-THE-NORTHERLY-LINE-OF-SAID-LOT-1-IN-SAID-RIVER-ROSE-SUBDIVISION,-86.0-FEET-TO-THE-NORTHEAST-CORNER-OF-SAID-LOT-1;-THENCE-SOUTHWESTERLY-ALONG-THE-EASTERLY-LINE-OF-SAID-LOT-1,-120.0-FEET-TO-THE-SOUTHEAST-CORNER-OF-SAID-LOT-1;-THENCE-NORTHWESTERLY-ALONG-THE-SOUTHERLY-LINE-OF-SAID-LOT-1-AND-THE-NORTHERLY-RIGHT-OF-WAY-LINE-OF-RIVER-ROSE-STREET-(AS-DEDICATED-IN-RIVER-ROSE-SUBDIVISION-PER-DOCUMENT-NUMBER-19352146);-34.3-FEET-TO-THE-INTERSECTION-OF-THE-NORTHERLY-RIGHT-OF-WAY-LINE-OF-SAID-RIVER-ROSE-STREET-AND-THE-EASTERLY-LINE-OF-SAID-WILLOW-CREEK-DRIVE,-ALSO-BEING-THE-SOUTHWEST-CORNER-OF-SAID-LOT-1;-THENCE-SOUTHEASTERLY-ALONG-THE-EASTERLY-RIGHT-OF-WAY-LINE-OF-SAID-WILLOW-CREEK-DRIVE-TO-THE-MOST-SOUTHWESTERLY-CORNER-OF-LOT-27-IN-SAID-RIVER-ROSE-SUBDIVISION;-THENCE-SOUTHWESTERLY-TO-THE-INTERSECTION-OF-THE-NORTHWESTERLY-CORNER-OF-LOT-"B"-IN-SAID-RIVER-ROSE-SUBDIVISION-WITH-THE-EAST-LOT-LINE-OF-LOT-8-IN-BLOCK-1-IN-HIGGINS-ROAD-RANCHETTES-SUBDIVISION-PER-DOCUMENT-NUMBER-13820089;-THENCE-NORTHERLY-ALONG-THE-EAST-LINE-OF-SAID-LOT-8,-97.24-FEET-TO-A-POINT;-SAID-POINT-BEING-66.00-FEET-SOUTH-OF-THE-NORTHEAST-CORNER-OF-SAID-LOT-8;-THENCE-WESTERLY-ALONG-A-LINE-WHICH-IS-66.00-FEET-SOUTH-OF-AND-PARALLEL-TO-THE-NORTH-LINE-OF-LOTS-3-4-5-6-7-AND-8-IN-SAID-HIGGINS-ROAD-RANCHETTES-SUBDIVISION-AND-THEN-WESTERLY-THEREOF-(SAID-PARALLEL-LINE-ALSO-BEING-THE-SOUTH-LINE-OF-AN-UNRECORDED-STREET-KNOWN-AS-GLENLAKE-STREET);-TO-THE-POINT-OF-INTERSECTION-WITH-THE-EASTERLY-RIGHT-OF-WAY-LINE-OF-THE-AFORESAID-NORTHWEST-TOLL-ROAD;-THENCE-NORTHWESTERLY-ALONG-THE-EASTERLY-RIGHT-OF-WAY-LINE-OF-SAID-NORTHWEST-TOLL-ROAD-TO-THE-POINT-OF-BEGINNING;-

AND-ALSO,-THAT-PART-OF-THE-NORTHEAST-QUARTER-OF-SECTION-9-AND-THE-NORTHWEST-QUARTER-OF-SECTION-10,-TOWNSHIP-40-NORTH,-RANGE-12-EAST-OF-THE-THIRD-PRINCIPAL-MERIDIAN,-IN-THE-VILLAGE-OF-

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ROSEMONT, COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:-

BEGINNING IN THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 9 AFORESAID, AT THE INTERSECTION OF THE SOUTH LINE OF 61ST STREET WITH THE EASTERLY RIGHT-OF-WAY LINE OF THE MINNEAPOLIS, ST. PAUL AND ST. STE. MARIE RAILROAD RIGHT-OF-WAY; THENCE EAST ALONG THE SOUTH LINE OF 61ST STREET AND ITS EASTERLY EXTENSION, TO THE EAST LINE OF PEARL STREET; THENCE NORTH ALONG THE EAST LINE OF PEARL STREET TO THE SOUTH LINE OF 62ND STREET; THENCE EAST ALONG THE SOUTH LINE OF 62ND STREET TO THE WESTERLY RIGHT-OF-WAY LINE OF THE ILLINOIS STATE TOLL ROAD; THENCE SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF THE TOLL ROAD TO A POINT ON A WESTERLY EXTENSION OF THE SOUTH LINE OF ALLEN AVENUE; THENCE EAST ALONG SAID WESTERLY EXTENSION, AND ALONG THE SOUTH LINE OF ALLEN AVENUE TO THE WEST LINE OF OTTO AVENUE; THENCE SOUTH ALONG THE WEST LINE OF OTTO AVENUE TO A POINT ON A WESTERLY EXTENSION OF THE NORTH LINE OF THE SOUTH 30 FEET OF LOT 12 IN FIRST ADDITION TO B.L. CARLSEN'S INDUSTRIAL SUBDIVISION, BEING A RESUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 9 AFORESAID, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 5, 1962 AS DOCUMENT 18416079; THENCE EAST ALONG SAID WESTERLY EXTENSION, AND ALONG THE AFOREMENTIONED NORTH LINE OF THE SOUTH 30 FEET OF LOT 12, TO THE EAST LINE OF LOT 12; THENCE NORTH ALONG THE EAST LINE OF LOT 12, BEING ALSO THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 9, TO THE NORTH LINE OF OWNER'S DIVISION OF PARTS OF LOTS 4 AND 5 OF HENRY HACHMEISTER'S DIVISION, IN THE NORTHWEST QUARTER OF SECTION 10 AFORESAID, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 25, 1949 AS DOCUMENT 14539019; THENCE EAST ALONG THE NORTH LINE OF SAID OWNER'S DIVISION TO THE WEST LINE OF LOT 3 IN SAID OWNER'S DIVISION; THENCE SOUTH ALONG THE WEST LINE OF LOT 3 TO THE SOUTHWEST CORNER THEREOF; THENCE EAST ALONG THE SOUTH LINE OF LOT 3 TO THE NORTHWEST CORNER OF LOT 4 IN SAID OWNER'S SUBDIVISION; THENCE SOUTH ALONG THE WEST LINE OF LOT 4 TO THE SOUTHWEST CORNER THEREOF; THENCE EAST ALONG THE SOUTH LINE OF LOT 4, AND SAID SOUTH LINE EXTENDED EASTERLY, TO THE EASTERLY RIGHT-OF-WAY LINE OF RIVER ROAD; THENCE SOUTHEASTERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID RIVER ROAD TO A POINT BEING 198.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF LOT 5 EXTENDED EASTERLY, IN HENRY HACHMEISTER'S DIVISION PER DOCUMENT NUMBER 4183101; THENCE WESTERLY ALONG A LINE WHICH IS 198.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID LOT 5 IN HENRY HACHMEISTER'S DIVISION, TO THE NORTHWEST CORNER OF LOT 6 IN B.L. CARLSEN'S INDUSTRIAL SUBDIVISION PER DOCUMENT NUMBER 1925132; THENCE NORTHERLY TO A POINT BEING THE NORTHEAST CORNER OF A PARCEL BEING DESCRIBED PER DOCUMENT T1862127; SAID POINT BEING 293.73 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID LOT 5 IN HENRY HACHMEISTER'S DIVISION; THENCE WESTERLY ALONG A LINE, 293.73 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID LOT 5, 91.50 FEET TO THE NORTHWEST CORNER OF SAID PARCEL PER DOCUMENT T1862127; THENCE SOUTHERLY ALONG A LINE BEING THE EAST LINE OF THE WEST 200.00 FEET OF SAID LOT 5, 71.88 FEET TO THE SOUTHEAST CORNER OF A PARCEL BEING DESCRIBED PER DOCUMENT T2257298; THENCE WESTERLY ALONG THE SOUTH LINE AND THE SOUTH LINE EXTENDED WESTERLY OF SAID PARCEL, 233 FEET TO THE POINT OF INTERSECTION WITH THE WEST LINE OF MICHIGAN AVENUE RIGHT-OF-WAY; THENCE NORTHERLY ALONG SAID WEST RIGHT-OF-WAY LINE OF MICHIGAN AVENUE TO THE NORTHEAST CORNER OF LOT 1, BLOCK 12 IN J. TAYLOR'S ADD. TO FAIRVIEW HEIGHTS PER DOCUMENT NUMBER 1876526; SAID POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF 60TH STREET; THENCE WESTERLY ALONG SAID SOUTH RIGHT-OF-WAY LINE OF 60TH STREET TO A POINT OF INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF THE

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AFORESAID--MINNEAPOLIS--ST--PAUL--AND--ST--STE--MARIE RAILROAD RIGHT-OF-WAY;--THENCE--NORTHWESTERLY--ALONG--SAID--EASTERLY RIGHT-OF-WAY-LINE-TO-THE-POINT-OF-BEGINNING;--70;

{71}--For-a-period-of-3-years-after-December-1,-1998,-by-the Village--of--Franklin-Park,-for--the--redevelopment-of-blighted areas,-for-the-acquisition-of-property-within-the-area-legally described-as:

BEGINNING--AT-THE-NORTHEAST-CORNER-OF-SAID-TRACT-NO.-2-(SAID CORNER-BEING-50.0-FEET-WEST-OF-THE-CENTERLINE-OF-MANNHEIM-ROAD);- THENCE--SOUTH-ALONG-THE-EAST-LINE-OF-SAID-TRACT-NO.-2,-A-DISTANCE OF-305.46-FEET;-THENCE-WEST,-PARALLEL-WITH-THE-NORTH-LINE-OF-SAID-TRACT-NO.-2,-A-DISTANCE-OF-175.0-FEET;-THENCE--SOUTH,-PARALLEL WITH-THE-EAST-LINE-OF-SAID-TRACT-NO.-2,-A-DISTANCE-OF-164.46-FEET- TO--THE-SOUTHERLY-LINE-OF-SAID-TRACT-NO.-2-(SAID-LINE-BEING-50.0- FEET--NORTHERLY--OF--THE--CENTERLINE--OF--GRAND--AVENUE);-THENCE- WESTERLY-ALONG-SAID-LINE,-672.75-FEET;-THENCE-NORTH-ALONG-A-LINE THAT--IS--227.30--FEET--EAST-OF-(AS-MEASURED-AT-RIGHT-ANGLES)-AND- PARALLEL-WITH-THE--EAST--LINE--OF--MIKE--LATORIA--SR.--INDUSTRIAL- SUBDIVISION,-429.87--FEET-TO-THE-NORTH-LINE-OF-SAID-TRACT-NO.-2;- THENCE-EAST-ALONG-SAID-NORTH-LINE,-845.71-FEET-TO-THE-POINT-OF- BEGINNING;-IN-OWNER'S-DIVISION-OF-THAT-PART-OF-THE-EAST-HALF-OF- THE-NORTHEAST-QUARTER-OF-SECTION-29,-TOWNSHIP-40-NORTH,-RANGE-12- EAST--OF--THE--THIRD--PRINCIPAL--MERIDIAN,-ACCORDING-TO-THE-PLAT- THEREOF-RECORDED-AUGUST-16,-1929-AS-DOCUMENT-10456788-AND-FILED- IN--THE--REGISTRAR'S--OFFICE--ON--AUGUST--23,-1929--AS--DOCUMENT- BR474993,-IN-COOK-COUNTY,-ILLINOIS;

{72}--For-a-period-of-3-years-after-December-1,-1998,-by-the Village--of--Franklin-Park,-for--the--redevelopment-of-blighted areas,-for-the-acquisition-of-the-property-legally-described-as:

Lots-19,-20,-21,-22,-23,-24,-25,-26-and-27-of-the Salerno-Kaufman-Subdivision-of-part-of-Tract-No.-1-in-Owner's Division-of-part-of-the-East-1/2,-Northeast-1/4,-Section-29,- Township-40,-Range-12,-East-of-the-Third-Principal-Meridian,-in Cook-County,-Illinois;-and

That-part-of-the-South-117.64-feet-of-tract-number-1-lying East--of--a--line-235-feet-West-of-and-parallel-with-West-line-of Mannheim-Road-in-Owner's-Division-of-part-of-the-East-half-of-the Northeast-quarter-of-Section-29,-Township-40-North,-Range-12,- East--of--the--Third--Principal--Meridian,-according-to-the-Plat- thereof-recorded-August-16,-1929-as-Document-number-10456788,-in Cook-County,-Illinois;

{73}--for-a-period-of-2-years-following-the-effective-date of-this-amendatory-Act-of-the-91st-General-Assembly,-by-the-City- of--Taylorville--for--the--acquisition-of-land-used-for--the construction-of-the-second-silt-dam-on-Lake-Taylorville;-the project-area-is-limited-to-the-townships-of-Greenwood,-Johnson,- and-Locust-in-southern-Christian-County;

{74}--for-a-period-of-6-months-following-the-effective-date of--this-amendatory-Act-of-the-91st-General-Assembly,-by-the-City- of-Effingham-for-the-acquisition-of-all-the-right-of-way-needed for--the--subject-project-starting-at-Wernsing-Avenue-and-running northerly-to-Fayette-Avenue,-including-the-right-of-way-for-a structure-over-the-CSX-rail-line-and-U.S.-Route-40;

{75}--for-a-period-of-one-year-following-the-effective-date of-this-amendatory-Act-of-the-91st-General-Assembly,-by-the-City- of-Effingham-for-the-acquisition-of-property-for-the-construction of--South-Raney-Street-Project-Phase-II,-including-a-grade separation-over-Conrail-and-U.S.-Route-40-in-the-City-of Effingham,-from-the-intersection-of-South-Raney-Street-and-West Wernsing-Avenue-northerly-to-the-intersection-of-South-Raney-

Street and West Fayette Avenue;

(76) for a period of 2 years following the effective date of this amendatory Act of the 91st General Assembly, by the Village of Lincolnshire, for the purpose of redevelopment within the downtown area, for the acquisition of property within that area legally described as follows:

THAT PART OF SECTIONS 15 AND 22, TOWNSHIP 43 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE EAST LINE OF THE PROPERTY DESCRIBED IN DOCUMENT NUMBER 2297085 AND THE NORTHERLY LINE OF HALF DAY ROAD; THENCE NORTHEASTERLY ALONG SAID NORTHERLY LINE OF SAID HALF DAY ROAD TO THE INTERSECTION WITH THE WEST LINE OF STATE ROUTE NO. 21 (ALSO KNOWN AS MILWAUKEE AVENUE); THENCE NORTHERLY ALONG SAID WEST LINE OF STATE ROUTE NO. 21 TO THE NORTH LINE OF THE SOUTH 452.20 FEET OF THE NORTHEAST QUARTER OF THE AFORESAID SECTION 15; THENCE EAST ALONG THE SAID NORTH LINE OF THE SOUTH 452.20 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 15; THENCE SOUTH ALONG THE SAID EAST LINE TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER THEREOF; THENCE WEST ALONG THE SOUTH LINE OF THE SAID NORTHEAST QUARTER TO AN EAST LINE OF VERNON CEMETERY AS DESCRIBED IN DOCUMENT NUMBER 263584; THENCE NORTH 37.20 FEET ALONG AFORESAID EAST LINE OF CEMETERY TO THE NORTH EAST CORNER THEREOF; THENCE WEST 297.00 FEET ALONG THE NORTH LINE OF THE AFORESAID CEMETERY; SAID LINE IS THE MOST NORTHERLY LINE OF CEMETERY ROAD AS OCCUPIED AND EXTENDED TO A WEST LINE OF AFORESAID VERNON CEMETERY EXTENDED NORTH; THENCE SOUTH ALONG THE EXTENSION AND WEST LINE OF THE AFORESAID CEMETERY TO THE SOUTHWEST CORNER THEREOF; SAID SOUTHWEST CORNER IS 296.61 FEET SOUTH OF THE SOUTH LINE OF CEMETERY ROAD AS OCCUPIED; THENCE EAST ALONG THE SOUTH LINE OF VERNON CEMETERY TO THE SOUTH EAST CORNER THEREOF; SAID SOUTHEAST CORNER ALSO BEING A POINT ON THE WEST LINE OF PROPERTY DESCRIBED BY DOCUMENT NUMBER 2012084; THENCE SOUTH ALONG AFORESAID WEST LINE TO THE NORTH LINE OF HALF DAY ROAD; THENCE EAST ALONG LAST SAID NORTH LINE TO A POINT IN THE WEST LINE (EXTENDED) OF INDIAN CREEK SUBDIVISION (RECORDED AS DOCUMENT NUMBER 2084U19); THENCE SOUTH ALONG THE WEST LINE AND AN EXTENSION THEREOF OF INDIAN CREEK CONDOMINIUM SUBDIVISION TO THE SOUTHWEST CORNER THEREOF; THENCE SOUTHEASTERLY ALONG A SOUTH LINE OF INDIAN CREEK CONDOMINIUM SUBDIVISION 130.47 FEET TO THE MOST SOUTHERLY CORNER IN THE AFORESAID SUBDIVISION SAID POINT BEING IN THE NORTH LINE OF RELOCATED ILLINOIS STATE ROUTE 22; THENCE NORTHEASTERLY ALONG A SOUTH LINE OF INDIAN CREEK CONDOMINIUM SUBDIVISION 209.56 FEET; SAID LINE BEING ALSO THE NORTH LINE OF RELOCATED ILLINOIS STATE ROUTE 22, TO THE SOUTHEAST CORNER OF INDIAN CREEK CONDOMINIUM SUBDIVISION; THENCE NORTH ALONG THE EAST LINE OF INDIAN CREEK SUBDIVISION AND AN EXTENSION THEREOF TO THE NORTH LINE OF HALF DAY ROAD; THENCE EAST ALONG THE NORTH LINE OF HALF DAY ROAD TO THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 15 TO THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 15 AFORESAID; THENCE SOUTHERLY ALONG AN EASTERLY LINE OF THE HAMILTON PARTNERS PROPERTY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 22 (THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22 HAVING AN ASSUMED BEARING OF SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST FOR THIS LEGAL DESCRIPTION); THENCE SOUTH 13 DEGREES 57 MINUTES 09 SECONDS WEST, 519.43 FEET TO A POINT DESCRIBED AS BEARING NORTH 51 DEGREES 41 MINUTES 30 SECONDS WEST, 159.61 FEET FROM A POINT OF THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 22 AFORESAID, 603.05 FEET, AS MEASURED ALONG SAID EAST LINE, SOUTH OF THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH

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05-DEGREES-08-MINUTES-04-SECONDS-EAST/-232.01-FEET-TO-THE-MOST-NORTHERLY-NORTHEAST-CORNER-OF-MARIOTT-DRIVE-ACCORDING-TO-THE-PLAT-OF-DEDICATION-RECORDED-AS-DOCUMENT-NUMBER-1978811/-THENCE-SOUTH-42-DEGREES-08-MINUTES-46-SECONDS-WEST-(RECORD-SOUTH-42-DEGREES-09-MINUTES-23-SECONDS-WEST)-ALONG-THE-NORTHWESTERLY-LINE-OF-SAID-MARIOTT-DRIVE/-40.70-FEET-(RECORD-40.73-FEET)-TO-AN-ANGLE-POINT-IN-THE-NORTH-LINE-OF-SAID-MARIOTT-DRIVE/-THENCE-SOUTH-PERPENDICULAR-TO-AFOREMENTIONED-MARIOTT-DRIVE-TO-A-POINT-ON-THE-SOUTH-LINE-THEREOF/-THENCE-WEST-ALONG-THE-SOUTH-LINE-OF-MARIOTT-DRIVE-TO-A-POINT-PERPENDICULAR-TO-A-POINT-IN-THE-NORTH-LINE-OF-MARIOTT-DRIVE-THAT-IS-ON-A-LINE-THE-EXTENSION-OF-WHICH-IS-THE-EASTERLY-LINE-OF-LOTS-1-AND-2-IN-INDIAN-CREEK-RESUBDIVISION/-THENCE-NORTH-PERPENDICULAR-TO-MARIOTT-DRIVE-TO-THE-AFOREMENTIONED-POINT-ON-THE-NORTH-LINE/-THENCE-NORTHWESTERLY-ON-THE-EASTERLY-LINE-&-EXTENSION-THEREOF-OF-AFOREMENTIONED-LOTS-1-AND-2-TO-THE-NORTHEAST-CORNER-OF-LOT-2/-THENCE-WEST-ALONG-THE-NORTH-LINE-OF-LOT-2-TO-THE-NORTHWEST-CORNER-THEREOF/-THENCE-SOUTHWESTERLY-PERPENDICULAR-TO-ILLINOIS-ROUTE-21-(MILWAUKEE AVENUE DEDICATED BY DOCUMENT-NUMBER-2129168)-TO-THE-WEST-LINE-THEREOF/-THENCE-NORTH-ALONG-THE-WEST-LINE-OF-AFOREMENTIONED-ILLINOIS-ROUTE-21-TO-THE-NORTHEAST-CORNER-OF-LOT-1-IN-MCDONALD'S-KING'S-SUBDIVISION/-THENCE-WEST-ALONG-THE-NORTH-LINE-OF-THE-LAST-MENTIONED-LOT-1/-218.50-FEET-TO-A-JOG-IN-THE-NORTH-LINE-THEREOF/-THENCE-NORTHERLY-ALONG-A-WESTERLY-LINE-OF-SAID-LOT-1/-20.22-FEET-TO-A-JOG-IN-THE-NORTH-LINE/-THENCE-WEST-ALONG-THE-NORTH-LINE-OF-LOT-1-AFORESAID-150.42-FEET-TO-THE-NORTHWEST-CORNER-OF-THEREOF/-THENCE-SOUTH-205.94-FEET-ALONG-THE-WEST-LINE-OF-AFOREMENTIONED-LOT-1-TO-A-JOG-IN-THE-WEST-LINE-THEREOF/-THENCE-EAST-ALONG-A-SOUTH-LINE-OF-LOT-1-TO-A-JOG-IN-THE-WEST-LINE-THEREOF-3.45-FEET/-THENCE-SOUTH-91.22-FEET-ALONG-THE-WEST-LINE-LOT-1-TO-THE-SOUTHWEST-CORNER-LOT-1-AFOREMENTIONED/-THENCE-SOUTHERLY-RADIAL-TO-RELOCATED-ILLINOIS-STATE-ROUTE-22-TO-THE-SOUTH-LINE-THEREOF/-THENCE-WEST-ALONG-THE-SOUTH-LINE-OF-RELOCATED-ILLINOIS-STATE-ROUTE-22-TO-A-POINT-PERPENDICULAR-TO-A-POINT-AT-THE-SOUTHWEST-CORNER-OF-THE-OLD-HALF-DAY-SCHOOL-PARCEL/-THENCE-NORTHWESTERLY-51.41-FEET-ALONG-A-WEST-LINE-OF-AFORESAID-SCHOOL-PARCEL-TO-A-CORNER-THEREOF/-THENCE-NORTHEASTERLY-169.30-FEET-ALONG-A-NORTHERLY-LINE-OF-AFORESAID-SCHOOL-PARCEL-TO-A-CORNER-THEREOF/-THENCE-NORTHWESTERLY-242.80-FEET-ALONG-A-WEST-LINE-TO-THE-CENTER-LINE-OF-HALF-DAY-ROAD/-THENCE-NORTHWESTERLY-NORMAL-TO-THE-AFORESAID-ROAD-TO-THE-NORTHERLY-RIGHT-OF-WAY-LINE-THEREOF/-THENCE-EAST-ALONG-THE-NORTH-LINE-OF-HALF-DAY-ROAD-TO-A-POINT-SAID-POINT-IS-A-BEND-IN-THE-WEST-LINE-OF-PROPERTY-DESCRIBED-BY-DOCUMENT-NUMBER-2600952/-THENCE-NORTHWESTERLY-7.82-CHAINS-ALONG-THE-WEST-LINE-AFOREMENTIONED-TO-THE-NORTHWEST-CORNER-THEREOF/-THENCE-SOUTHEASTERLY-2.39-CHAINS-TO-THE-NORTHEAST-CORNER-OF-THE-SAID-PROPERTY/-THENCE-SOUTHEASTERLY-ALONG-THE-EASTERLY-LINE-OF-AFORESAID-PROPERTY-TO-THE-NORTHWEST-CORNER-OF-PROPERTY-DESCRIBED-IN-DOCUMENT-NUMBER-2297085/-THENCE-EAST-2.27-CHAINS-ALONG-THE-NORTH-LINE-OF-AFOREMENTIONED-PROPERTY-TO-THE-NORTHEAST-CORNER-THEREOF/-THENCE-SOUTH-ALONG-THE-EAST-LINE-OF-THE-AFOREMENTIONED-PROPERTY-TO-THE-PLACE-OF-BEGINNING-(EXCEPT-THEREFROM-THE-TRACT-OF-LAND-AS-DESCRIBED-BY-DOCUMENT-NUMBER-1141157-AND-MILWAUKEE-AVE-ADJACENT-THERE-TO)-ALL-IN-LAKE-COUNTY-ILLINOIS;

(77)-for-a-period-of-18-months-after-the-effective-date-of-this-amendatory-Act-of-1999,-by-the-City-of-Marion-for-the-aquisition-of-property-and-temporary-construction-easements bounded-by-the-following-lines-for-improvement-of-the-Pentecost-Road-project:

A-variable-width-strip-of-land-lying-parallel-with-and-contiguous

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to--the--existing--east--and--west--Right--of--Way--lines--of--Pentecost--Road--in--the--following--quarter--quarter--section--:
 the--NW1/4--NW1/4--Section--16--NE1/4--NE1/4--Section--17--NW1/4--SW1/4--Section--16--SW1/4--SW1/4--Section--16--NE1/4--SE1/4--Section--17--and--the--SE1/4--SE1/4--Section--17--all--located--in--Township--9--South--Range--2--East--of--the--Third--Principal--Meridian--Williamson--County--Illinois--

(78)--for--a--period--of--6--months--following--the--effective--date--of--this--amendatory--Act--of--the--91st--General--Assembly--by--the--city--of--Geneva--for--the--Prairie--and--Wetland--Restoration--Project--for--the--acquisition--of--property--described--as--follows--:

PARCEL--ONE--THE--SOUTH--1/2--OF--THE--NORTHEAST--1/4--OF--SECTION--6--TOWNSHIP--39--NORTH--RANGE--8--EAST--OF--THE--THIRD--PRINCIPAL--MERIDIAN--IN--THE--TOWNSHIP--OF--GENEVA--KANE--COUNTY--ILLINOIS--

PARCEL--TWO--THE--SOUTH--HALF--OF--THE--NORTHWEST--FRACTIONAL--QUARTER--OF--SECTION--6--TOWNSHIP--39--NORTH--RANGE--8--EAST--OF--THE--THIRD--PRINCIPAL--MERIDIAN--IN--THE--TOWNSHIP--OF--GENEVA--KANE--COUNTY--ILLINOIS--

PARCEL--THREE--THAT--PART--OF--THE--SOUTH--1/2--OF--THE--NORTHEAST--1/4--OF--SECTION--1--TOWNSHIP--39--NORTH--RANGE--7--EAST--OF--THE--THIRD--PRINCIPAL--MERIDIAN--LYING--EAST--OF--THE--FOLLOWING--TRACT--(A--STRIP--OF--LAND--60--FEET--IN--WIDTH--EXTENDING--OVER--AND--ACROSS--THE--SOUTH--EAST--1/4--OF--THE--NORTHEAST--1/4--OF--SECTION--1--TOWNSHIP--39--NORTH--RANGE--7--EAST--OF--THE--THIRD--PRINCIPAL--MERIDIAN--SAID--STRIP--OF--LAND--BEING--THAT--CERTAIN--STRIP--OF--LAND--AS--CONVEYED--BY--CHARLES--W.--PEMBLETON--AND--WIFE--TO--THE--CHICAGO--AND--NORTH--WESTERN--RAILWAY--COMPANY--(NOW--THE--CHICAGO--AND--NORTH--WESTERN--TRANSPORTATION--COMPANY)--BY--WARRANTY--DEED--DATED--JUNE--29--1903--AND--RECORDED--AS--DOCUMENT--64790--IN--BOOK--430--ON--PAGE--337--IN--THE--OFFICE--OF--THE--REGISTRAR--OF--DEEDS--FOR--KANE--COUNTY--ILLINOIS--IN--THE--TOWNSHIP--OF--BLACKBERRY--KANE--COUNTY--ILLINOIS--

(79)--for--a--period--of--2--years--after--the--effective--date--of--this--amendatory--Act--of--the--91st--General--Assembly--by--the--City--of--Arcola--for--the--purpose--of--acquiring--property--in--connection--with--a--project--to--widen--Illinois--Route--133--east--of--Interstate--57--

(80)--for--a--period--of--24--months--after--the--effective--date--of--this--amendatory--Act--of--the--91st--General--Assembly--by--the--County--of--Lake--for--the--acquisition--of--necessary--right--of--way--to--complete--the--improvement--of--the--intersection--of--County--Highway--47--(9th--Street)--and--County--Highway--27--(Lewis--Avenue)--

(81)--for--a--period--of--24--months--after--the--effective--date--of--this--amendatory--Act--of--the--91st--General--Assembly--by--the--County--of--Lake--for--the--acquisition--of--necessary--right--of--way--to--complete--the--improvement--of--the--various--intersections--and--roadways--involved--in--the--project--to--improve--County--Highway--70--(Hawley--Street)--County--Highway--26--(Gilmer--Road)--and--County--Highway--62--(Fremont--Center--Road)--at--and--near--Illinois--Route--176--

(82)--for--a--period--of--30--months--after--the--effective--date--of--this--amendatory--Act--of--the--91st--General--Assembly--by--the--County--of--Winnebago--to--allow--for--the--acquisition--of--right--of--way--for--the--construction--of--the--Harrison--Avenue--Extension--project--from--Montague--Road--to--West--State--Street--lying--within--Section--20--the--east--1/2--of--Section--29--and--the--northeast--1/4--of--Section--32--Township--44W--Range--1--East--of--the--3rd--Principal--Meridian--in--Winnebago--County--

(83)--for--a--period--of--2--years--after--the--effective--date--of--this--amendatory--Act--of--the--91st--General--Assembly--by--the--Village--of--Schiller--Park--for--the--acquisition--of--the--following--described--property--for--purposes--of--redevelopment--of--blighted--areas--
 The--following--parcel--of--property--lying--within--the--East--Half--of--

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the--Southeast-Quarter-of-Section-17,-Township-40-North,-Range-12-East-of-the-Third-Principal-Meridian-and-the-N-East-Half--of--the-Southwest-Quarter-of-Section-16,-Township-40-North,-Range-12-East-of-the-Third-Principal-Meridian-all-in-Cook-County,-Illinois:-Commencing--at-the-intersection-of-the-center-line-of-Irving-Park-Road-with-the-west-line-of-Mannheim-Road;-thence,-southwesterly-along-the-westerly-line-of-Mannheim-Road-to-its-intersection-with-the-south-line-of-Belle-Plaine-Avenue,-as-extended-from-the-east;-thence,-easterly--along-the-south-line-of-Belle-Plaine-Avenue-to-its-intersection-with-the-west-line,-as-extended-from-the-North,-of--Lot--7--in--the-Subdivision-of-the-West-Half-of-the-Southwest-Quarter-of-Section-16,-Township-40-North,-Range-12-East--of--the-Third--Principal--Meridian--(except-that-part-lying-Northerly-of-Irving-Park-Road);--recorded-April-14,-1921-as-document-no.-7112572;-thence,-northerly-along-the-west-line,-as-extended-from-the-north,-of--Lot--7--of--the--aforecited--Subdivision-to-its-intersection-with-the-north-line-of-Belle-Plaine-Avenue;-thence,-northeasterly--along--the--northwesterly--line--of--the--property-acquired-by-The-Illinois-State-Toll-Highway-Authority-to-its-intersection-with--the--east--line--of--Lot--7-of-the-aforecited-Subdivision;-thence,-northerly-along-the-east-line-of-Lot--7--of-the--aforecited--Subdivision-to--its-intersection-with-the-south-line-of-Lot-2-in-the--aforecited--Subdivision;-thence,-westerly-along--the--south--line-of-Lot-2-of-the-aforecited-Subdivision-to-its-intersection-with-the-west-line-of-Lot-2-of-the--aforecited-Subdivision;-thence,-northerly--along-the-west-line-of-Lot-2-of-the-aforecited-Subdivision-and-the-extension-of-the-west-line--of-Lot--2--to--its--intersection-with-the-center-line-of-Irving-Park-Road;-thence,-westerly-along-the-center-line-of-Irving-Park-Road-to-the-point-of-beginning.

Notwithstanding--the--property--description--contained--in--this-paragraph-(83);-the-Village-of-Schiller-Park-may-not--acquire,-under-the--authority--of-this-paragraph-(83);-any-property-that-is-owned-by-any-other-unit-of-local-government;

(84)--for-a-period-of-2-years-after-the-effective-date-of-this-amendatory-Act-of-the-91st-General-Assembly,-by-the-City-of-Springfield,-for-the-acquisition-of-(i)-the-property-located-in-the-City-of-Springfield-and-bounded-on-the-north-by-Mason-Street,-on--the--west--by-Fifth-Street,-on-the-south-by-Jefferson-Street,-and-on-the-east-by-Sixth-Street-and-(ii)-the-property-located-in-the-City--of--Springfield--and--bounded--on-the-north-by-Madison-Street,-on-the-west-by-Sixth-Street,-on-the-south-by-Washington-Street,-and-on--the--east--by--Seventh--Street,-for-the-Abraham-Abraham-Lincoln-Presidential-Library;

(85)--for-a-period-of-24-months-after-the-effective-date-of-this-amendatory-Act-of--the--91st-General-Assembly,-by-McLean-County,-for-the-acquisition-of-property-necessary-for-the-purpose-of-construction-with-respect-to--the--Towanda-Barnes-Road--from-Route-150-to-Ft.-Jesse-Road;

(86)--for-a-period-of-12-months-after-the-effective-date-of-this-amendatory-Act-of-the-91st-General-Assembly,-by-Pike-County,-for-the-acquisition-of-property-necessary-for--the--purpose--of-construction-with-respect-to--P.A.S.-1591,-commonly-known-as-Martinsburg-Road,-from-one-mile-north-of-Martinsburg-to-0.25-mile-north-of-Martinsburg;

(87)--for-a-period-of-12-months-after-the-effective-date-of-this-amendatory-Act-of--the--91st-General-Assembly,-by-the-Fox-Metro-Water-Reclamation-District,-for--the--acquisition--of--the-following-described-property-for--the--purpose--of--extending-the-collector-system-and-construction-of-facilities-for-treatment--of

effluent:

THAT--PART-OF-LOTS-2-AND-3-OF-LARSON'S-SUBDIVISION-DESCRIBED-AS-FOLLOWS:-COMMENCING-AT-THE-NORTHWEST-CORNER-OF-SAID-LOT-3-BEING-ON-THE-CENTER-LINE-OF-STATE-ROUTE-NO.-31;-THENCE-SOUTH-7-DEGREES-01-MINUTES-WEST-ALONG-SAID-CENTER-LINE-46.58-FEET-FOR-THE-POINT-OF-BEGINNING;-THENCE-NORTH-7-DEGREES-01-MINUTES-EAST-ALONG-SAID-CENTER-LINE-91.58-FEET;-THENCE-SOUTH-88-DEGREES-31-MINUTES-EAST-PARALLEL-WITH-THE-NORTH-LINE-OF-SAID-LOT-3,-781.87-FEET-TO-THE-EASTERLY-LINE-OF-SAID-LOT-2;-THENCE-SOUTH-19-DEGREES-40-MINUTES-WEST-ALONG-THE-EASTERLY-LINES-OF-LOTS-2-AND-3-106.9-FEET;-THENCE-SOUTH-9-DEGREES-39-MINUTES-EAST-ALONG-THE-EASTERLY-LINE-OF-SAID-LOT-3,-70.83-FEET--TO-A-LINE-DRAWN-SOUTH-82-DEGREES-36-MINUTES-EAST,-PARALLEL-WITH-THE-SOUTHERLY-LINE-OF-SAID-LOT-3,-FROM-THE-PLACE-OF-BEGINNING;-THENCE-NORTH-82-DEGREES-36-MINUTES-WEST-ALONG-SAID-PARALLEL-LINE-775.16-FEET-TO-THE-PLACE-OF-BEGINNING,-IN-THE-TOWNSHIP-OF-OSWEGO,-KENDALL-COUNTY,-ILLINOIS-

ALSO:

THAT--PART-OF-THE--SOUTHWEST-1/4-OF-SECTION-5,-TOWNSHIP-37-NORTH,-RANGE--8--EAST--OF--THE--THIRD--PRINCIPAL--MERIDIAN,-DESCRIBED-AS-FOLLOWS:-COMMENCING-AT-THE-NORTHWEST-CORNER-OF-THE--SOUTHWEST-FRACTIONAL-QUARTER-OF-SECTION-6,-TOWNSHIP-AND-RANGE-AFORESAID;-THENCE-SOUTH-ALONG-THE-WEST-LINE-OF-SAID-SECTION--6,-1363.34-FEET;-THENCE-SOUTH-82-DEGREES-36-MINUTES-EAST-5298.7-FEET-TO-THE-WESTERLY-BANK-OF-FOX-RIVER;-THENCE-NORTH--18--DEGREES--46-MINUTES-WEST-ALONG-SAID-WESTERLY-BANK-192.5-FEET-FOR-THE-POINT-OF-BEGINNING;-THENCE-NORTH-18-DEGREES-46-MINUTES-WEST-ALONG-SAID-WESTERLY-BANK-44.35-FEET;-THENCE-NORTH-37-DEGREES-16-MINUTES-WEST-ALONG-SAID-WESTERLY-BANK-227.8-FEET;-THENCE-NORTH-82-DEGREES-36-MINUTES-WEST-867.3-FEET-TO-THE-CENTER-LINE-OF-THE-ORIGINAL-ROAD;-THENCE-SOUTHERLY-ALONG-SAID-CENTER-LINE-200-FEET-TO-A-LINE-DRAWN-NORTH--82--DEGREES--36--MINUTES--WEST-FROM-THE-POINT-OF-BEGINNING;-THENCE-SOUTH-82-DEGREES-36-MINUTES-EAST-1014.21-FEET-TO-THE-POINT-OF-BEGINNING,-IN-THE-TOWNSHIP-OF-OSWEGO,-KENDALL-COUNTY,-ILLINOIS-

ALSO:

PARCEL-ONE:

LOT-5-OF-LARSON'S-SUBDIVISION,-TOWNSHIP-OF-OSWEGO,-KENDALL-COUNTY,-ILLINOIS-

PARCEL-TWO:

THAT--PART-OF-THE--SOUTHWEST-1/4-OF-SECTION-5,-TOWNSHIP-37-NORTH,-RANGE--8--EAST--OF--THE--THIRD--PRINCIPAL--MERIDIAN-DESCRIBED-AS-FOLLOWS:-COMMENCING-AT-THE-INTERSECTION-OF-THE-SOUTH-LINE-OF-SAID-SECTION--5--WITH-THE-CENTER-LINE-OF-ILLINOIS--STATE--ROUTE--NUMBER-31;-THENCE-NORTH-6-DEGREES-44-MINUTES-EAST-ALONG-SAID-CENTER-LINE-745.75-FEET;-THENCE-SOUTH--82--DEGREES--30-MINUTES-EAST-100-FEET-TO-THE-POINT-OF-BEGINNING;-THENCE-SOUTHWESTERLY-AT-RIGHT-ANGLES-WITH-THE-LAST-DESCRIBED-COURSE,-110-FEET;-THENCE-SOUTH-83-DEGREES-30-MINUTES-EAST-TO-THE-CENTER-THREAD-OF-THE-FOX-RIVER;-THENCE-NORTHERLY-ALONG-SAID-CENTER-THREAD-TO-A-LINE-DRAWN-SOUTH-82-DEGREES-30-MINUTES-EAST-FOR-THE-POINT-OF-BEGINNING;-THENCE-NORTH--82-DEGREES-30-MINUTES-WEST-TO-THE-POINT-OF-BEGINNING,-IN-THE-TOWNSHIP-OF-OSWEGO,-KENDALL-COUNTY,-ILLINOIS-

ALSO:

THAT-PART-OF-THE-SOUTH-1/2-OF-THE-WEST-PART-OF-SECTION-5,-TOWNSHIP-37-NORTH,-RANGE--8--EAST--OF-THE-THIRD-PRINCIPAL-MERIDIAN-WHICH-LIES-EAST-OF-THE-CENTER-LINE-OF-STATE-ROUTE

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NO--31--AND--SOUTH--OF--A--LINE--EXTENDING--SOUTH--82--DEGREES--30--MINUTES--EAST--FROM--A--POINT--IN--THE--SAID--CENTER--LINE--OF--SAID--HIGHWAY--THAT--IS--NORTH--6--DEGREES--44--MINUTES--EAST--745-.75--FEET--FROM--THE--SOUTH--LINE--OF--SAID--SECTION--TO--THE--CENTER--THREAD--OF--THE--FOX--RIVER--(EXCEPT--THE--RIGHT--OF--WAY--OF--THE--SAID--STATE--ROUTE--NO--31--AND--A--STRIP--IN--THE--NORTHWEST--CORNER--67--FEET--WIDE--AND--325--FEET--LONG--MEASURED--ALONG--THE--EASTERLY--LINE--OF--SAID--HIGHWAY--USED--FOR--CEMETERY--PURPOSES--AND--ALSO--EXCEPT--THAT--PART--LYING--SOUTH--OF--THE--NORTH--LINE--OF--PREMISES--CONVEYED--TO--THE--COMMONWEALTH--EDISON--COMPANY--BY--WARRANTY--DEED--RECORDED--OCTOBER--9--1959--AS--DOCUMENT--127020--AND--ALSO--EXCEPT--THAT--PART--DESCRIBED--AS--FOLLOWS--COMMENCING--AT--THE--INTERSECTION--OF--THE--SOUTH--LINE--OF--SAID--SECTION--5--WITH--THE--CENTER--LINE--OF--ILLINOIS--STATE--ROUTE--NO--31--THENCE--NORTH--6--DEGREES--44--MINUTES--EAST--ALONG--SAID--CENTER--LINE--745-.75--FEET--THENCE--SOUTH--82--DEGREES--30--MINUTES--EAST--100--FEET--FOR--THE--POINT--OF--BEGINNING--THENCE--SOUTHWESTERLY--AT--RIGHT--ANGLES--WITH--THE--LAST--DESCRIBED--COURSE--110--FEET--THENCE--SOUTH--82--DEGREES--30--MINUTES--EAST--TO--THE--CENTER--THREAD--OF--THE--FOX--RIVER--THENCE--NORTHERLY--ALONG--SAID--CENTER--THREAD--TO--A--LINE--DRAWN--SOUTH--82--DEGREES--30--MINUTES--EAST--FROM--THE--POINT--OF--BEGINNING--THENCE--NORTH--82--DEGREES--30--MINUTES--WEST--TO--THE--POINT--OF--BEGINNING)--IN--THE--TOWNSHIP--OF--OSWEGO--KENDALL--COUNTY--ILLINOIS--

(88)--for--a--period--of--12--months--after--the--effective--date--of--this--amendatory--Act--of--the--91st--General--Assembly--by--St--Clair--County--for--the--acquisition--of--property--necessary--for--the--purpose--of--the--following--county--road--improvements--in--the--City--of--O'Fallon--and--the--Village--of--Shiloh--Section--95--00301--02--PV,--Hartman--Lane--to--Shiloh--O'Fallon--Road--2.45--miles--of--concrete--pavement--24--feet--wide--10--foot--shoulders--a--95--foot--single--span--bridge--earthwork--and--traffic--signals;

(89) for a period of 12 months after the effective date of this amendatory Act of the 91st General Assembly, by St. Clair County, for the acquisition of property necessary for the purpose of the following county road improvements in the City of Fairview Heights:--Section 97-00301-04-PV, Metro Link Station to Illinois Route 159, 2.04 miles of concrete pavement, 24 feet wide, 10-foot shoulders, earthwork, and traffic signals;

(90)--for--a--period--of--12--months--after--the--effective--date--of--
this--amendatory--Act--of--the--91st--General--Assembly--by--St--Clair--
County--for--the--acquisition--of--property--necessary--for--the--purpose--
of--the--following--county--road--improvements--in--the--City--of--
O'Fallon:--Section--97-03080-05-PV--Jennifer--Court--to--Station--
122+50, 1.52 miles of concrete pavement, 24- to 40- feet-wide, 10-foot-shoulders, earthwork, storm-sewers, curbs, and gutters;

(91)--for--a--period--of--12--months--after--the--effective--date--of--this--amendatory--Act--of--the--91st--General--Assembly,--by--Madison--County,--for--the--acquisition--of--property--necessary--for--the--purpose--of--approximately--2.4--miles--of--roadwork--commencing--at--the--intersection--of--Illinois--Route--143--northerly--over,--adjacent--to,--and--near--the--location--of--County--Highway--19--(locally--known--as--Birch--Drive)--to--the--intersection--of--Buchs--Road,--traversing--through--land--sections--19,--20,--29,--30,--and--31--of--Ft.--Russell--Township,--the--work--to--consist--of--excavation,--fill--placement,--concrete--structures,--and--an--aggregate--and--bituminous--base--with--bituminous--binder--and--surfacing;

~~(92)-for-a-period-of-2-years-after-the-effective-date-of
this-amendatory-Act-of-the-91st-General-Assembly-by-Lake-County-
for-the-acquisition-of-property-necessary-for-the-purpose-of
improving-County-Highway-70-(Hawley-Street)-from-Chevy-Chase-Road~~

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to County Highway 26 (Gilmer Road);

(93) for a period of 12 months after the effective date of this amendatory Act of the 91st General Assembly, by Kendall County, for the acquisition of the following described property for the purpose of road construction or improvements, including construction of a bridge and related improvements:

THAT PART OF THE EAST 1/2 OF SECTION 24, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 4 OF CHRISTIE-C. HERREN'S 2ND SUBDIVISION; THENCE ON AN ASSUMED BEARING NORTH 89 DEGREES 32 MINUTES 05 SECONDS EAST, 33.00 FEET ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 4 TO THE CENTER LINE OF MINKLER ROAD; THENCE NORTH 0 DEGREES 27 MINUTES 55 SECONDS WEST, 1,585.91 FEET ALONG THE CENTER LINE OF MINKLER ROAD TO THE CENTER LINE OF ILLINOIS ROUTE 71; THENCE NORTH 0 DEGREES 53 MINUTES 06 SECONDS WEST, 1,084.14 FEET ALONG THE CENTER LINE OF MINKLER ROAD AND THE NORTHERLY EXTENSION THEREOF TO THE NORTH RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD FOR THE POINT OF BEGINNING; THENCE CONTINUING NORTH 0 DEGREES 53 MINUTES 06 SECONDS WEST, 12.95 FEET TO THE SOUTH BANK OF THE FOX RIVER; THENCE NORTH 84 DEGREES 02 MINUTES 18 SECONDS EAST, 192.09 FEET ALONG SAID SOUTH BANK; THENCE SOUTH 23 DEGREES 08 MINUTES 48 SECONDS EAST, 4.22 FEET TO THE NORTH RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD; THENCE SOUTHWESTERLY, 194.71 FEET ALONG A 3,956.53 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 81 DEGREES 25 MINUTES 34 SECONDS WEST, 194.69 FEET TO THE POINT OF BEGINNING.

AND:

THAT PART OF THE EAST 1/2 OF SECTION 24, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 4 OF CHRISTIE-C. HERREN'S 2ND SUBDIVISION; THENCE ON AN ASSUMED BEARING NORTH 89 DEGREES 32 MINUTES 05 SECONDS EAST, 33.00 FEET ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 4 TO THE CENTER LINE OF MINKLER ROAD; THENCE NORTH 0 DEGREES 27 MINUTES 55 SECONDS WEST, 1,585.91 FEET ALONG THE CENTER LINE OF MINKLER ROAD TO THE CENTER LINE OF ILLINOIS ROUTE 71 FOR THE POINT OF BEGINNING; THENCE NORTH 0 DEGREES 53 MINUTES 06 SECONDS WEST, 52.33 FEET ALONG THE CENTER LINE OF MINKLER ROAD; THENCE NORTH 72 DEGREES 01 MINUTES 36 SECONDS EAST, 130.87 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 71; THENCE NORTH 18 DEGREES 09 MINUTES 27 SECONDS WEST, 111.00 FEET; THENCE NORTH 74 DEGREES 41 MINUTES 24 SECONDS EAST, 40.24 FEET; THENCE NORTH 3 DEGREES 05 MINUTES 16 SECONDS WEST, 239.00 FEET; THENCE SOUTH 89 DEGREES 29 MINUTES 13 SECONDS WEST, 69.62 FEET; THENCE SOUTH 43 DEGREES 09 MINUTES 14 SECONDS WEST, 46.47 FEET; THENCE SOUTH 89 DEGREES 06 MINUTES 54 SECONDS WEST, 20.00 FEET TO THE CENTER LINE OF MINKLER ROAD; THENCE NORTH 0 DEGREES 53 MINUTES 06 SECONDS WEST, 595.48 FEET ALONG SAID CENTER LINE AND SAID CENTER LINE EXTENDED NORTHERLY TO THE SOUTH RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD; THENCE EASTERLY, 222.77 FEET ALONG A 3,881.53 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS NORTH 81 DEGREES 28 MINUTES 59 SECONDS EAST, 222.74 FEET; THENCE SOUTH 20 DEGREES 43 MINUTES 16 SECONDS EAST, 119.40 FEET; THENCE SOUTHERLY, 237.80 FEET ALONG A 717.37 FEET RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 11 DEGREES 13 MINUTES 29 SECONDS EAST, 236.71 FEET; THENCE SOUTH 1 DEGREES 43 MINUTES 42 SECONDS EAST, 471.58 FEET; THENCE SOUTH 55 DEGREES 31 MINUTES 50 SECONDS EAST, 63.07 FEET; THENCE NORTH 72 DEGREES 01 MINUTES 36 SECONDS EAST, 86.50 FEET; THENCE SOUTH 17 DEGREES 58 MINUTES 24

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SECONDS EAST, 20.00 FEET TO THE EXISTING NORTH RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 71; THENCE NORTH 72 DEGREES 01 MINUTES 36 SECONDS EAST, 350.00 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 71; THENCE SOUTH 17 DEGREES 58 MINUTES 24 SECONDS EAST, 50.00 FEET TO THE CENTER LINE OF ILLINOIS ROUTE 71; THENCE SOUTH 72 DEGREES 01 MINUTES 36 SECONDS WEST, 836.88 FEET ALONG SAID CENTER LINE TO THE POINT OF BEGINNING.

AND:

THAT PART OF THE EAST 1/2 OF SECTION 24, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 4 OF CHRISTIE C. HERREN'S 2ND SUBDIVISION; THENCE ON AN ASSUMED BEARING NORTH 89 DEGREES 32 MINUTES 05 SECONDS EAST, 33.00 FEET ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 4 TO THE CENTER LINE OF MINKLER ROAD; THENCE NORTH 0 DEGREES 27 MINUTES 55 SECONDS WEST, 1,585.91 FEET ALONG SAID CENTER LINE TO THE CENTER LINE OF ILLINOIS ROUTE 71 FOR THE POINT OF BEGINNING; THENCE NORTH 72 DEGREES 01 MINUTES 36 SECONDS EAST, 836.88 FEET ALONG THE CENTER LINE OF ILLINOIS ROUTE 71; THENCE SOUTH 17 DEGREES 58 MINUTES 24 SECONDS EAST, 50.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 71; THENCE SOUTH 64 DEGREES 54 MINUTES 06 SECONDS WEST, 201.56 FEET; THENCE SOUTH 72 DEGREES 01 MINUTES 36 SECONDS WEST, 331.43 FEET; THENCE SOUTH 1 DEGREE 55 MINUTES 17 SECONDS WEST, 144.09 FEET; THENCE SOUTHERLY 327.44 FEET ALONG AN 853.94 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 12 DEGREES 54 MINUTES 22 SECONDS WEST, 325.44 FEET; THENCE SOUTH 23 DEGREES 53 MINUTES 28 SECONDS WEST, 211.52 FEET; THENCE SOUTHERLY 289.43 FEET ALONG A 673.94 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 11 DEGREES 35 MINUTES 17 SECONDS WEST, 287.21 FEET; THENCE SOUTH 0 DEGREES 42 MINUTES 55 SECONDS EAST, 135.43 FEET; THENCE SOUTH 89 DEGREES 17 MINUTES 05 SECONDS WEST, 85.98 FEET TO THE CENTER LINE OF MINKLER ROAD; THENCE NORTH 0 DEGREES 27 MINUTES 55 SECONDS WEST, 459.31 FEET ALONG SAID CENTER LINE; THENCE NORTH 21 DEGREES 25 MINUTES 47 SECONDS EAST, 232.86 FEET; THENCE NORTHERLY 266.09 FEET ALONG A 693.94 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS NORTH 12 DEGREES 54 MINUTES 22 SECONDS EAST, 264.46 FEET; THENCE NORTH 1 DEGREE 55 MINUTES 17 SECONDS EAST, 64.92 FEET; THENCE NORTH 53 DEGREES 01 MINUTES 20 SECONDS WEST, 30.54 FEET; THENCE SOUTH 72 DEGREES 01 MINUTES 36 SECONDS WEST, 132.59 FEET TO THE CENTER LINE OF MINKLER ROAD; THENCE NORTH 0 DEGREES 27 MINUTES 55 SECONDS WEST, 73.38 FEET ALONG SAID CENTER LINE TO THE POINT OF BEGINNING.

(94) For a period of 2 years after the effective date of this amendatory Act of the 91st General Assembly, by DuPage Public Safety Communications (DU-COMM), a unit of intergovernmental cooperation, for the acquisition of property including land, buildings, towers, fixtures, and other improvements located at Cloverdale, Illinois and described as follows:

A tract or parcel of land situated in the Southeast Quarter (SE 1/4) of Section Twenty-one (21), Township Forty (40) North, Range Ten (10) East of the Third Principal Meridian, more particularly described as follows:

Commencing at the Southwest corner of the Southeast Quarter (SE 1/4) of said Section Twenty-one (21), measure North, along the West line of the Southeast Quarter (SE 1/4) of said Section Twenty-one (21) 1287.35 feet, then East at right angles to the said West line of the Southeast Quarter (SE 1/4) of said Section Twenty-one (21), 292.57 feet to the

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point-of-beginning;

Thence--East--along--the--last--described--course--208.71 feet,--thence--South--at--right--angles--to--the--last--described course--208.71--feet,--thence--West--at--right--angles--to--the--last described--course--208.71--feet,--thence--North--in--a--direct--line 208.71--feet--to--the--point--of--beginning,--also

A--right-of-way--and--easement--thirty-three--(33)--feet--in--width for--the--construction,--maintenance,--and--use--of--(a)--a--roadway suitable---for---vehicular---traffic,--and--(b)--such--aerial--or underground--electric--power--and--communication--lines--as--said Company--may--from--time--to--time--desire,--consisting--of--poles,--wires, cables,--conduits,--guys,--anchors,--and--other--fixtures--and appurtenances,--the--center--line--of--which--right-of-way--and--easement is--described--as--follows:

Commencing--at--a--point--on--the--West--line--of--the--tract--or parcel--of--land--above--described,--distant--Southerly--16.5--feet from--the--Northwest--corner--of--said--tract--or--parcel,--thence Westerly--at--right--angles--to--the--West--line--of--the--Southeast Quarter--(SE--1/4)--of--said--Section--Twenty-one--(21),--293--feet more--or--less--to--the--public--road--situated--on--the--West--line--of the--Southeast--Quarter--(SE--1/4)--of--said--Section--Twenty-one (21),--Township--and--Range--aforesaid;

(95)--for--a--period--of--3--years--after--the--effective--date--of--this amendatory--Act--of--the--91st--General--Assembly--(in--the--case--of--the permanent--easements--described--in--items--(A)--and--(C)),--by--the--City--of Crest-Hill,--for--acquisition--of--the--following--easements:-

(A)--Permanent--easement--for--the--purposes--of--installation, maintenance,--and--use--of--water--or--sewer,--or--both--water--and--sewer, lines--in,--along,--through,--and--under--the--following--legally described--property:

The--East--70--feet--of--the--North--half--of--the--North--half--of--the Southeast--Quarter--of--Section--30,--Township--36--North,--and--in--Range 10,--East--of--the--Third--Principal--Meridian--(Except--therefrom--the North--12--Rods--of--the--East--13--1/2--Rods--thereof,--and--also--except the--South--99--feet--of--the--East--440--feet--thereof),--in--Will--County, Illinois.

(B)--Temporary--easement--for--purposes--of--initial--construction of--the--water--or--sewer,--or--both--water--and--sewer,--lines--in,--along, through,--and--under--the--permanent--easement--described--in--item--(A).--The--temporary--easement--herein--shall--arise--on--September--1,--1999 and--shall--cease--on--August--31,--2001--and--is--legally--described--as follows:

The--East--100--feet--of--the--North--half--of--the--North--half--of--the Southeast--Quarter--of--Section--30,--Township--36--North,--and--in--Range 10,--East--of--the--Third--Principal--Meridian--(Except--therefrom--the North--12--Rods--of--the--East--13--1/2--Rods--thereof,--and--also--except the--South--99--feet--of--the--East--440--feet--thereof),--in--Will--County, Illinois.

(C)--Permanent--easement--for--the--purposes--of--installation, maintenance,--and--use--of--water--or--sewer,--or--both--water--and--sewer, lines--in,--along,--through,--and--under--the--following--legally described--property:

The--East--70--feet--of--the--West--120--feet--of--the--South--half--of the--Southeast--Quarter--of--Section--30,--in--township--36--North,--and--in Range--10--East--of--the--Third--Principal--Meridian,--in--Will--County, Illinois,--excepting--therefrom--the--following--described--tracts:-

Exception--1:-That--part--of--said--South--half--lying Southwesterly--of--the--Northeasterly--right-of-way--line--of--the Elgin,--Joliet--and--Eastern--Railway--Company,--in--Will--County, Illinois.

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Exception--2:--The West 200 feet of said South half, in Will County, Illinois.

Exception-3:--That part of the South half of the Southeast Quarter of Section 30, Township 36 North, and in Range 10 East of the Third Principal Meridian, described as follows: Beginning at a point 250 feet East of the West line of said South half of the Southeast Quarter and 180.58 feet North of the South line of said South half of the Southeast Quarter; thence North along a line 250 feet East of and parallel with the West line of said Southeast Quarter a distance of 1004.55 feet to a point; thence Northwesterly along a diagonal line 65.85 feet to its intersection with a line drawn 200 feet East of and parallel to the West line of said Southeast Quarter, said point also being 100.75 feet South of the North line of the South half of said Southeast Quarter, as measured along said parallel line; thence South along the last described parallel line a distance of 1045.02 feet to a point 50 feet West of the point of beginning and 180.58 feet North of the South line of said Southeast Quarter; thence East 50 feet to the point of beginning, in Will County, Illinois.

Exception-4:--Beginning at the Southeast corner of the Southeast Quarter of Section 30, Township 36 North, and in Range 10 East of the Third Principal Meridian, thence Northerly along the East line of said Section for a distance of 346.5 feet; thence Westerly along a line 346.5 feet distant from and parallel with the South line of said Section for a distance of 297 feet; thence Southerly along a line 297 feet distant from and parallel with the East line of said Section for a distance of 346.5 feet to a point, said point being on the South line of said Section; thence Easterly along said South line of said Section 297 feet to the point of beginning, in Will County, Illinois.

Exception-5:--That part dedicated for highway purposes in instrument recorded January 28, 1986 as Document No. R86-03205 described as follows:--That part of the South half of the Southeast Quarter of Section 30, Township 36 North, and in Range 10 East of the Third Principal Meridian bounded and described as follows:--Beginning at the point of intersection of the Northeasterly right-of-way line of the Elgin, Joliet and Eastern Railway Company with the South line of said Southeast Quarter, thence on an assumed bearing of North 90.00 degrees 00 minutes 00 seconds East along said South line a distance of 288.02 feet; thence North 00 degrees 00 minutes 00 seconds East a distance of 33.0 feet; thence North 86 degrees 25 minutes 22 seconds West a distance of 352.57 feet to the Northeasterly right-of-way line of said railway company; thence South 49 degrees 15 minutes 53 seconds East along said Northeasterly right-of-way line, a distance of 84.28 feet to the point of beginning, in Will County, Illinois.

Exception-6:--The North 850 feet of the East 1025 feet of the South half of the Southeast Quarter of Section 30, Township 36 North, and in Range 10 East of the Third Principal Meridian, in Will County, Illinois.

(D)--Temporary easement for purposes of initial construction of the water or sewer, or both water and sewer, lines in, along, through, and under the permanent easement described in item (C).--The temporary easement herein shall arise on September 1, 1999 and shall cease on August 31, 2001 and is legally described as follows:

The East 100 feet of the West 150 feet of the South half of the Southeast Quarter of Section 30, in Township 36 North, and in

Range 10 East of the Third Principal Meridian, in Will County, Illinois, excepting therefrom the following described tracts:

Exception 1: That part of said South half lying Southwesterly of the Northeastly right-of-way line of the Elgin, Joliet and Eastern Railway Company, in Will County, Illinois.

Exception 2: The West 200 feet of said South half, in Will County, Illinois.

Exception 3: That part of the South half of the Southeast Quarter of Section 30, Township 36 North, and in Range 10 East of the Third Principal Meridian, described as follows: Beginning at a point 250 feet East of the West line of said South half of the Southeast Quarter and 180.58 feet North of the South line of said South half of the Southeast Quarter; thence North along a line 250 feet East of and parallel with the West line of said Southeast Quarter a distance of 1004.55 feet to a point; thence Northwesterly along a diagonal line 65.85 feet to its intersection with a line drawn 200 feet East of and parallel to the West line of said Southeast Quarter, said point also being 100.75 feet South of the North line of the South half of said Southeast Quarter; as measured along said parallel line; thence South along the last described parallel line a distance of 1045.02 feet to a point 50 feet West of the point of beginning and 180.58 feet North of the South line of said Southeast Quarter; thence East 50 feet to the point of beginning, in Will County, Illinois.

Exception 4: Beginning at the Southeast corner of the Southeast Quarter of Section 30, Township 36 North, and in Range 10 East of the Third Principal Meridian, thence Northerly along the East line of said Section for a distance of 346.5 feet; thence Westerly along a line 346.5 feet distant from and parallel with the South line of said Section for a distance of 297 feet; thence Southerly along a line 297 feet distant from and parallel with the East line of said Section for a distance of 346.5 feet to a point, said point being on the South line of said Section; thence Easterly along said South line of said Section 297 feet to the point of beginning, in Will County, Illinois.

Exception 5: That part dedicated for highway purposes in instrument recorded January 28, 1986 as Document No. R86-03205 described as follows: That part of the South half of the Southeast Quarter of Section 30, Township 36 North, and in Range 10 East of the Third Principal Meridian bounded and described as follows: Beginning at the point of intersection of the Northeastly right-of-way line of the Elgin, Joliet and Eastern Railway Company with the South line of said Southeast Quarter; thence on an assumed bearing of North 90.00 degrees 00 minutes 00 seconds East along said South line a distance of 288.02 feet; thence North 00 degrees 00 minutes 00 seconds East a distance of 33.0 feet; thence North 86 degrees 25 minutes 22 seconds West a distance of 352.57 feet to the Northeastly right-of-way line of said railway company; thence South 49 degrees 15 minutes 53 seconds East along said Northeastly right-of-way line, a distance of 84.28 feet to the point of beginning, in Will County, Illinois.

Exception 6: The North 850 feet of the East 1025 feet of the South half of the Southeast Quarter of Section 30, Township 36 North, and in Range 10 East of the Third Principal Meridian, in Will County, Illinois;

{96} for a period of 4 years after the effective date of this amendatory Act of the 91st General Assembly, by the Village of

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Palatine, for the acquisition of the following described property for the purpose of revitalizing the downtown business area:

Lots 1 through 3 in Block D of the Subdivision of the North 24.60 acres in the NE 1/4 of the NE 1/4 of Section 22, Township 42, Range 10 East of the Third Principal Meridian, in Cook County, IL;

Property bounded by Bothwell Street, Railroad right-of-way, Plum Grove Road and Chicago Avenue in the Village of Palatine;

Lots 1 through 8 in Block K, of the Town of Palatine, a subdivision of the West 16 2/3 acres of the South 31 acres of the West 1/2 of the Southwest 1/4 of Section 14 and the Southeast 24.12 acres of the South 31 acres of the East 1/2 of the Southeast 1/4 of Section 15, Township 42 North, Range 10, East of the Third Principal Meridian, Ante-Fire, Re-recorded April 10, 1877 as Document 129579, in Cook County, Illinois;

Property bounded by Wilson Street, Plum Grove Road, Slade Street, Railroad right-of-way and Bothwell Street in the Village of Palatine;

Lots 1 through 8 in Block 8 of the Subdivision of part of the East 1/2 of the SE 1/4 Section, Ante-Fire, Re-recorded on April 10, 1877 as Document Number 129579;

Lots 20 and 21 and the West 71.25 feet of Lot 24 of Arthur T. McIntosh and Company's Palatine Farms, being a subdivision of Section 16, Township 42, Range 10 East of the Third Principal Meridian, in Cook County, IL, recorded on June 16, 1919;

Lots 1 through 3 of Millin's Subdivision of the SE 1/4 of Section 15, Township 42, Range 10 East of the Third Principal Meridian, in Cook County, IL;

Property bounded by Golfax Street, Smith Street and Millin's Subdivision of the SE 1/4 of Section 15, Township 42, Range 10 East of the Third Principal Meridian, in Cook County, IL;

Property bounded by Wood Street, Brockway Street and Railroad right-of-way in the Village of Palatine;

Lots 45 through 50 and 58 through 64 of Arthur T. McIntosh and Company's Palatine Farms, being a subdivision of Section 16, Township 42, Range 10 East of the Third Principal Meridian, in Cook County, IL, recorded on June 16, 1919; and

Property bounded by Railroad right-of-way, Brockway Street and Slade Street in the Village of Palatine.

(b) In a proceeding subject to this Section, the plaintiff, at any time after the complaint has been filed and before judgment is entered in the proceeding, may file a written motion requesting that, immediately or at some specified later date, the plaintiff either be vested with the fee simple title (or such lesser estate, interest or easement, as may be required) to the real property, or specified portion thereof, which is the subject of the proceeding, and be authorized to take possession of and use such property; or only be authorized to take possession of and to use such property, if such possession and use, without the vesting of title, are sufficient to permit the plaintiff to proceed with the project until the final ascertainment of compensation; however, no land or interests therein now or hereafter owned, leased, controlled or operated and used by, or necessary for the actual operation of, any common carrier engaged in interstate commerce, or any other public utility subject to the jurisdiction of the Illinois Commerce Commission, shall be taken or appropriated hereunder by the State of Illinois, the Illinois Toll Highway Authority, the sanitary district, the St. Louis Metropolitan Area Airport Authority or the Board of Trustees of the University of Illinois without first securing the approval of such Commission.

Except as hereinafter stated, the motion for taking shall state:

(1) an accurate description of the property to which the motion relates and the estate or interest sought to be acquired therein; (2)

the formally adopted schedule or plan of operation for the execution of the plaintiff's project; (3) the situation of the property to which the motion relates, with respect to the schedule or plan; (4) the necessity for taking such property in the manner requested in the motion; and (5) if the property (except property described in Section 3 of the Sports Stadium Act, or property described as Site B in Section 2 of the Metropolitan Pier and Exposition Authority Act) to be taken is owned, leased, controlled or operated and used by, or necessary for the actual operation of, any interstate common carrier or other public utility subject to the jurisdiction of the Illinois Commerce Commission, a statement to the effect that the approval of such proposed taking has been secured from such Commission, and attaching to such motion a certified copy of the order of such Commission granting such approval. If the schedule or plan of operation is not set forth fully in the motion, a copy of such schedule or plan shall be attached to the motion.

(Source: P.A. 90-6, eff. 6-3-97; 90-14, eff. 7-1-97; 90-232, eff. 7-25-97; 90-370, eff. 8-14-97; 90-581, eff. 5-22-98; 90-655, eff. 7-30-98; 90-663, eff. 7-30-98; 91-357, eff. 7-29-99; 91-367, eff. 7-30-99; revised 8-17-99.)

Section 99. Effective date. This Act takes effect upon becoming law."

Senator Watson offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 333, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Code of Civil Procedure is amended by changing Section 7-103.70 as follows:

(735 ILCS 5/7-103.70)

Sec. 7-103.70. Quick-take; Southwestern Illinois Development Authority. Quick-take proceedings under Section 7-103 may be used for a period from ~~May-22,-1998~~ to August 30, 2002 through August 30, 2003, by the Southwestern Illinois Development Authority pursuant to the Southwestern Illinois Development Authority Act for a project as defined in Section 3 of that Act.

(Source: P.A. 91-357, eff. 7-29-99; 91-739, eff. 6-2-00.)

Section 99. Effective date. This Act takes effect upon becoming law."

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 616

A bill for AN ACT concerning school district financial oversight panels.

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Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 616

House Amendment No. 2 to SENATE BILL NO. 616

Passed the House, as amended, December 4, 2002.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 616

AMENDMENT NO. 1. Amend Senate Bill 616 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 1B-4 as follows:

(105 ILCS 5/1B-4) (from Ch. 122, par. 1B-4)

Sec. 1B-4. Establishment of Emergency Financial Assistance and Financial Oversight Panel. When approved by the State Board under this Article there is established a body both corporate and politic to be known as the "(Name of School District) Financial Oversight Panel" which, in this such name, shall exercise all authority vested in such Panels by this Article.

Upon the affirmative vote of not less than a majority of its full membership, a local board of education of a school district that has been certified to be in financial difficulty under Section 1A-8 may petition the State Board of Education for emergency financial assistance and the establishment of a Financial Oversight Panel for the district as provided under this Article. In addition, the State Superintendent of Education may petition the State Board of Education for the establishment of a Financial Oversight Panel, with or without emergency financial assistance, for any district that has failed to comply with its financial plan and has had the plan rescinded by the State Board as provided in Section 1A-8. No petition for emergency financial assistance shall be approved by the State Board unless there is also established a Financial Oversight Panel.

In determining whether to allow the petition the State Board shall consider the following factors among others that it deems relevant:

(a) whether the petition is in the best educational interests of the pupils of the district;

(b) whether the petition is in the near and long term best financial interests of the district;

(c) whether the district has sufficient pupil enrollment and assessed valuation to provide and maintain recognized schools;

(d) whether the petition is in the best interests of the other schools of the area and the educational welfare of all of the pupils therein; and

(e) whether the board of education has complied with the requirements of Section 1A-8.

The State Board may vote to either grant or deny the petition based upon the recommendation of the State Superintendent of Education and any other testimony or documentary evidence the State Board deems relevant. The decision of the State Board whether to grant or deny the petition shall be final. If an approved petition requests emergency financial assistance, the school district shall be eligible for emergency State financial assistance, subject to the other provisions of this Article.

(Source: P.A. 88-618, eff. 9-9-94.)".

AMENDMENT NO. 2 TO SENATE BILL 616

AMENDMENT NO. 2. Amend Senate Bill 616, AS AMENDED, by replacing

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the title with the following:

"AN ACT concerning schools."; and

by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 3A-6 as follows:

(105 ILCS 5/3A-6) (from Ch. 122, par. 3A-6)

Sec. 3A-6. Election of Superintendent for consolidated region - Bond - Vacancies in any educational service region.

(a) The regional superintendent to be elected under Section 3A-5 shall be elected at the time provided in the general election law and must possess the qualifications described in Section 3-1 of this Act.

(b) The bond required under Section 3-2 shall be filed in the office of the county clerk in the county where the regional office is situated, and a certified copy of that bond shall be filed in the office of the county clerk in each of the other counties in the region.

(c) When a vacancy occurs in the office of regional superintendent of schools of any educational service region which is not located in a county which is a home rule unit, such vacancy shall be filled within 60 days (i) by appointment of the chairman of the county board, with the advice and consent of the county board, when such vacancy occurs in a single county educational service region; or (ii) by appointment of a committee composed of the chairmen of the county boards of those counties comprising the affected educational service region when such vacancy occurs in a multicounty educational service region, each committeeman to be entitled to one vote for each vote that was received in the county represented by such committeeman on the committee by the regional superintendent of schools whose office is vacant at the last election at which a regional superintendent was elected to such office, and the person receiving the highest number of affirmative votes from the committeemen for such vacant office to be deemed the person appointed by such committee to fill the vacancy. The appointee shall be a member of the same political party as the regional superintendent of schools the appointee succeeds was at the time such regional superintendent of schools last was elected. The appointee shall serve for the remainder of the term. However, if more than 28 months remain in that term, the appointment shall be until the next general election, at which time the vacated office shall be filled by election for the remainder of the term. Nominations shall be made and any vacancy in nomination shall be filled as follows:

(1) If the vacancy in office occurs before the first date provided in Section 7-12 of the Election Code for filing nomination papers for county offices for the primary in the next even-numbered year following commencement of the term of office in which the vacancy occurs, nominations for the election for filling the vacancy shall be made pursuant to Article 7 of the Election Code.

(2) If the vacancy in office occurs during the time provided in Section 7-12 of the Election Code for filing nomination papers for county offices for the primary in the next even-numbered year following commencement of the term of office in which the vacancy occurs, the time for filing nomination papers for the primary shall not be more than 91 days nor less than 85 days prior to the date of the primary.

(3) If the vacancy in office occurs after the last day provided in Section 7-12 of the Election Code for filing nomination papers for county offices for the primary in the next even-numbered year following commencement of the term of office in which the vacancy occurs, a vacancy in nomination shall be

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deemed to have occurred and the county central committee of each established political party (if the vacancy occurs in a single county educational service region) or the multi-county educational service region committee of each established political party (if the vacancy occurs in a multi-county educational service region) shall nominate, by resolution, a candidate to fill the vacancy in nomination for election to the office at the general election. In the nomination proceedings to fill the vacancy in nomination, each member of the county central committee or the multi-county educational service region committee, whichever applies, shall have the voting strength as set forth in Section 7-8 or 7-8.02 of the Election Code, respectively. The name of the candidate so nominated shall not appear on the ballot at the general primary election. The vacancy in nomination shall be filled prior to the date of certification of candidates for the general election.

(4) The resolution to fill the vacancy shall be duly acknowledged before an officer qualified to take acknowledgments of deeds and shall include, upon its face, the following information: (A) the name of the original nominee and the office vacated; (B) the date on which the vacancy occurred; and (C) the name and address of the nominee selected to fill the vacancy and the date of selection. The resolution to fill the vacancy shall be accompanied by a statement of candidacy, as prescribed in Section 7-10 of the Election Code, completed by the selected nominee, a certificate from the State Board of Education, as prescribed in Section 3-1 of this Code, and a receipt indicating that the nominee has filed a statement of economic interests as required by the Illinois Governmental Ethics Act.

The provisions of Sections 10-8 through 10-10.1 of the Election Code relating to objections to nomination papers, hearings on objections, and judicial review shall also apply to and govern objections to nomination papers and resolutions for filling vacancies in nomination filed pursuant to this Section. Unless otherwise specified in this Section, the nomination and election provided for in this Section is governed by the general election law.

Except as otherwise provided by applicable county ordinance or by law, if a vacancy occurs in the office of regional superintendent of schools of an educational service region that is located in a county that is a home rule unit and that has a population of less than 2,000,000 inhabitants, that vacancy shall be filled by the county board of such home rule county.

Until July 1, 2003 or until the regional superintendent of schools elected in 2002 takes office, whichever occurs first, if a vacancy exists in the office of regional superintendent of schools of an educational service region that is located in a county that is a home rule unit and that has a population of 2,000,000 or more inhabitants, then that vacancy shall be filled by the first assistant superintendent/deputy superintendent until the end of the term to which the regional superintendent was elected. Until July 1, 1994, if a vacancy occurs in the office of regional superintendent of schools of an educational service region that is located in a county that is a home rule unit and that has a population of 2,000,000 or more inhabitants, that vacancy shall be filled by the county board of that home rule county unless otherwise provided by applicable county ordinance or by law. On and after July 1, 1994, the provisions of this Section shall have no application in any educational service region that is located in any county, including a county that is a home rule unit, if that educational service region has a population of 2,000,000 or more inhabitants.

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Any person appointed to fill a vacancy in the office of regional superintendent of schools of any educational service region must possess the qualifications required to be elected to the position of regional superintendent of schools, and shall obtain a certificate of eligibility from the State Superintendent of Education and file same with the county clerk of the county in which the regional superintendent's office is located.

If the regional superintendent of schools is called into the active military service of the United States, his office shall not be deemed to be vacant, but a temporary appointment shall be made as in the case of a vacancy. The appointee shall perform all the duties of the regional superintendent of schools during the time the regional superintendent of schools is in the active military service of the United States, and shall be paid the same compensation apportioned as to the time of service, and such appointment and all authority thereunder shall cease upon the discharge of the regional superintendent of schools from such active military service. The appointee shall give the same bond as is required of a regularly elected regional superintendent of schools.
(Source: P.A. 92-277, eff. 8-7-01.)

Section 99. Effective date. This Act takes effect upon becoming law."

Under the rules, the foregoing Senate Bill No. 616, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1128

A bill for AN ACT in relation to local governments.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1128

House Amendment No. 3 to SENATE BILL NO. 1128

Passed the House, as amended, December 4, 2002.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1128

AMENDMENT NO. 1. Amend Senate Bill 1128 by replacing everything after the enacting clause with the following:

"Section 5. The Metropolitan Pier and Exposition Authority Act is amended by changing Section 5.1 as follows:

(70 ILCS 210/5.1) (from Ch. 85, par. 1225.1)

Sec. 5.1. Purchases. Purchases made under pursuant-to this Act shall be made in compliance with the "Local Government Prompt Payment Act", ~~approved by the Eighty-fourth General Assembly.~~

(Source: P.A. 84-731.)"

AMENDMENT NO. 3 TO SENATE BILL 1128

AMENDMENT NO. 3. Amend Senate Bill 1128, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Metropolitan Pier and Exposition Authority Act is amended by changing Section 23.1 as follows:

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(70 ILCS 210/23.1) (from Ch. 85, par. 1243.1)

Sec. 23.1. Affirmative action.

(a) The Authority shall, within 90 days after the effective date of this amendatory Act of 1984, establish and maintain an affirmative action program designed to promote equal employment opportunity and eliminate the effects of past discrimination. Such program shall include a plan, including timetables where appropriate, which shall specify goals and methods for increasing participation by women and minorities in employment by the Authority and by parties which contract with the Authority. The Authority shall submit a detailed plan with the General Assembly prior to September 1 of each year. Such program shall also establish procedures and sanctions (including debarment), which the Authority shall enforce to ensure compliance with the plan established pursuant to this Section and with State and federal laws and regulations relating to the employment of women and minorities. A determination by the Authority as to whether a party to a contract with the Authority has achieved the goals or employed the methods for increasing participation by women and minorities shall be determined in accordance with the terms of such contracts or the applicable provisions of rules and regulations of the Authority existing at the time such contract was executed, including any provisions for consideration of good faith efforts at compliance which the Authority may reasonably adopt.

(b) The Authority shall adopt and maintain minority and female owned business enterprise procurement programs under the affirmative action program described in subsection (a) for any and all work undertaken by the Authority. That work shall include, but is not limited to, the purchase of professional services, construction services, supplies, materials, and equipment. The programs shall establish goals of awarding not less than 25% of the annual dollar value of all contracts, purchase orders, or other agreements (collectively referred to as "contracts") to minority owned businesses and 5% of the annual dollar value of all contracts to female owned businesses. Without limiting the generality of the foregoing, the programs shall require in connection with the prequalification or consideration of vendors for professional service contracts, construction contracts, and contracts for supplies, materials, equipment, and services that each proposer or bidder submit as part of his or her proposal or bid a commitment detailing how he or she will expend 25% or more of the dollar value of his or her contracts with one or more minority owned businesses and 5% or more of the dollar value with one or more female owned businesses. Bids or proposals that do not include such detailed commitments are not responsive and shall be rejected unless the Authority deems it appropriate to grant a waiver of these requirements. In addition the Authority may, in connection with the selection of providers of professional services, reserve the right to select a minority or female owned business or businesses to fulfill the commitment to minority and female business participation. The commitment to minority and female business participation may be met by the contractor or professional service provider's status as a minority or female owned business, by joint venture or by subcontracting a portion of the work with or purchasing materials for the work from one or more such businesses, or by any combination thereof. Each contract shall require the contractor or provider to submit a certified monthly report detailing the status of that contractor or provider's compliance with the Authority's minority and female owned business enterprise procurement program. The Authority, after reviewing the monthly reports of the contractors and providers, shall compile a comprehensive report regarding compliance with this

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procurement program and file it quarterly with the General Assembly. If, in connection with a particular contract, the Authority determines that it is impracticable or excessively costly to obtain minority or female owned businesses to perform sufficient work to fulfill the commitment required by this subsection, the Authority shall reduce or waive the commitment in the contract, as may be appropriate. The Authority shall establish rules and regulations setting forth the standards to be used in determining whether or not a reduction or waiver is appropriate. The terms "minority owned business" and "female owned business" have the meanings given to those terms in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act.

(c) The Authority shall adopt and maintain an affirmative action program in connection with the hiring of minorities and women on the Expansion Project and on any and all construction projects undertaken by the Authority. The program shall be designed to promote equal employment opportunity and shall specify the goals and methods for increasing the participation of minorities and women in a representative mix of job classifications required to perform the respective contracts awarded by the Authority.

(d) In connection with the Expansion Project, the Authority shall incorporate the following elements into its minority and female owned business procurement programs to the extent feasible: (1) a major contractors program that permits minority owned businesses and female owned businesses to bear significant responsibility and risk for a portion of the project; (2) a mentor/protege program that provides financial, technical, managerial, equipment, and personnel support to minority owned businesses and female owned businesses; (3) an emerging firms program that includes minority owned businesses and female owned businesses that would not otherwise qualify for the project due to inexperience or limited resources; (4) a small projects program that includes participation by smaller minority owned businesses and female owned businesses on jobs where the total dollar value is \$5,000,000 or less; and (5) a set-aside program that will identify contracts requiring the expenditure of funds less than \$50,000 for bids to be submitted solely by minority owned businesses and female owned businesses.

(e) The Authority is authorized to enter into agreements with contractors' associations, labor unions, and the contractors working on the Expansion Project to establish an Apprenticeship Preparedness Training Program to provide for an increase in the number of minority and female journeymen and apprentices in the building trades and to enter into agreements with Community College District 508 to provide readiness training. The Authority is further authorized to enter into contracts with public and private educational institutions and persons in the hospitality industry to provide training for employment in the hospitality industry.

(f) McCormick Place Advisory Board. There is created a McCormick Place Advisory Board composed as follows: 3 2 members shall be appointed by the Mayor of Chicago; 3 2 members shall be appointed by the Governor; 3 2 members shall be State Senators appointed by the President of the Senate; 3 2 members shall be State Senators appointed by the Minority Leader of the Senate; 3 2 members shall be State Representatives appointed by the Speaker of the House of Representatives; and 3 2 members shall be State Representatives appointed by the Minority Leader of the House of Representatives. ~~The terms of all previously appointed members of the Advisory Board expire on the effective date of this amendatory Act of the 92nd General Assembly.~~ A State Senator or State Representative member may appoint a designee to serve on the McCormick Place Advisory Board in

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his or her absence.

A "member of a minority group" shall mean a person who is a citizen or lawful permanent resident of the United States and who is

(1) Black (a person having origins in any of the black racial groups in Africa);

(2) Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race);

(3) Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands); or

(4) American Indian or Alaskan Native (a person having origins in any of the original peoples of North America).

Members of the McCormick Place Advisory Board shall serve 2-year terms and until their successors are appointed, except members who serve as a result of their elected position whose terms shall continue as long as they hold their designated elected positions. Vacancies shall be filled by appointment for the unexpired term in the same manner as original appointments are made. The McCormick Place Advisory Board shall elect its own chairperson.

Members of the McCormick Place Advisory Board shall serve without compensation but, at the Authority's discretion, shall be reimbursed for necessary expenses in connection with the performance of their duties.

The McCormick Place Advisory Board shall meet quarterly, or as needed, shall produce any reports it deems necessary, and shall:

(1) Work with the Authority on ways to improve the area physically and economically;

(2) Work with the Authority regarding potential means for providing increased economic opportunities to minorities and women produced indirectly or directly from the construction and operation of the Expansion Project;

(3) Work with the Authority to minimize any potential impact on the area surrounding the McCormick Place Expansion Project, including any impact on minority or female owned businesses, resulting from the construction and operation of the Expansion Project;

(4) Work with the Authority to find candidates for building trades apprenticeships, for employment in the hospitality industry, and to identify job training programs;

(5) Work with the Authority to implement the provisions of subsections (a) through (e) of this Section in the construction of the Expansion Project, including the Authority's goal of awarding not less than 25% and 5% of the annual dollar value of contracts to minority and female owned businesses, the outreach program for minorities and women, and the mentor/protege program for providing assistance to minority and female owned businesses. (Source: P.A. 91-422, eff. 1-1-00; 92-16, eff. 6-28-01; 92-208, eff. 8-2-01.)

Section 99. Effective date. This Act takes effect upon becoming law."

Under the rules, the foregoing Senate Bill No. 1128, with House Amendments numbered 1 and 3, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

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SENATE BILL NO. 1809

A bill for AN ACT in relation to taxes.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 2 to SENATE BILL NO. 1809

Passed the House, as amended, December 4, 2002.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 2 TO SENATE BILL 1809

AMENDMENT NO. 2. Amend Senate Bill 1809 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Section 31-35 as follows:

(35 ILCS 200/31-35)

Sec. 31-35. Deposit of tax revenue.

(a) Beginning on the effective date of this amendatory Act of the 92nd General Assembly and through June 30, 2003, of the moneys collected under Section 31-15, 50% shall be deposited into the Illinois Affordable Housing Trust Fund, 20% into the Open Space Lands Acquisition and Development Fund, 5% into the Natural Areas Acquisition Fund, and 25% into the General Revenue Fund.

(b) Beginning July 1, 2003, of the moneys collected under Section 31-15, 50% shall be deposited into the Illinois Affordable Housing Trust Fund, 35% into the Open Space Lands Acquisition and Development Fund, and 15% into the Natural Areas Acquisition Fund.

(Source: P.A. 91-555, eff. 1-1-00; 92-536, eff. 6-6-02.)

Section 99. Effective date. This Act takes effect July 1, 2003."

Under the rules, the foregoing Senate Bill No. 1809, with House Amendment No. 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 1445

A bill for AN ACT relating to education.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 1445.

Concurred in by the House, December 4, 2002.

ANTHONY D. ROSSI, Clerk of the House

At the hour of 5:18 o'clock p.m., on motion of Senator O'Shea, the Senate stood adjourned until Thursday, December 5, 2002 at 10:00 o'clock a.m.

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